

GENERAL LAWS  
OF  
THE STATE OF INDIANA,

PASSED AT  
THE TWENTY-NINTH SESSION

OF THE  
GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, 1844.

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BY AUTHORITY.

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## GENERAL LAWS.

### CHAPTER I.

*An Act regulating the election of President Judges.*

[APPROVED DECEMBER 18, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when the term of any President Judge is about to expire, it shall be the duty of the General Assembly, at their session last preceding the expiration of such term of service, to elect, by joint ballot of both houses, on such day and at such place as they may agree upon, a suitable person to serve as such president judge for the circuit in which such vacancy is about to occur.

SEC. 2. In all such elections, the president of the Senate shall preside; and whenever there shall be more than one judge to be elected, such elections shall be taken up in their numerical order. There shall be two tellers appointed by the president of the Senate, and two by the Speaker of the House of Representatives, in their houses respectively, before they meet to conduct such elections; and in voting, each member shall be called alphabetically, beginning with the Senators; and when voting, it shall be the duty of the secretary of the Senate and clerk of the House of Representatives to attend, and take down the name of each person voting; and shall keep a tally of the votes received by each person voted for, as the tellers read the tickets, which tally papers they shall compare after the votes are counted out; and if they agree they shall jointly sign each of them, and hand them to the president of the Senate, who together with the speaker of the House of Representatives, shall

President Judges  
to be elected by  
joint ballot, &c.

President of the  
Senate to preside  
at election.

Tellers to be ap-  
pointed by Pre-  
sident and  
Speaker.

Secretary of  
Senate and clerk  
of House to take  
down the names  
of voters, &c.

Sign tally  
papers.



President of Senate proclaim election.

After five balloting President may adjourn election.

Majority of all voting necessary to an election.

President and Speaker to give certificate of election.

Governor to fill vacancies, &c.

examine them, and if any one person is elected, he shall, by the president of the Senate, be proclaimed duly elected president judge for the proper circuit; but if no person should be elected, they shall continue to ballot again and again, until some person is elected: *Provided, however,* If after five ballotings there shall be no choice, the president of the Senate may adjourn such election from day to day, during the session.

SEC. 3. No person shall be considered elected unless he shall receive a number of votes equal to a majority of all the members voting.

SEC. 4. It shall be the duty of the president of the Senate and the speaker of the House of Representatives to certify to the Governor the person elected, who shall be commissioned accordingly.

SEC. 5. When any vacancy shall happen during the recess of the General Assembly, the Governor shall appoint a person to fill such vacancy until the expiration of the next session of the General Assembly; and all elections to fill vacancies, shall be governed by the provisions of this act.

SEC. 6. This act shall take effect and be in force from and after its passage.

## CHAPTER II.

*An Act to legalize the official acts of James Blair and Stearns Fisher, former Commissioners of the Wabash and Erie Canal.*

[APPROVED JANUARY 6, 1845.]

Acts of commissioners legalized

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts and proceedings of the said commissioners, performed by virtue of their offices respectively, be and the same are hereby legalized and rendered as valid as they would have been if the law of the last session, approved December 14, 1843, had not been passed.

SEC. 2. That all moneys paid out, receipts taken, contracts made, and all their acts done since the passage of the said act by the said commissioners, shall be deemed and taken as valid and binding upon all persons, the same as though they had been in office; and that the

Auditor of State is hereby authorized, and it is hereby made his duty, to audit and settle the accounts of the said commissioners, and give them final discharges and acquittances in the same manner as though their terms of office had expired by limitation of law.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER III.

*An Act to amend an act entitled "An act abolishing Docket Fees, [and] dispensing with Final Records in certain cases."*

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for any defendant or defendants to any *scire facias* issued on a transcript of judgment of a justice of the peace, filed in the office of the clerk of any circuit court of this State, to bind real estate, to plead in bar of the costs only, that at the time of filing the transcript, and issuing and service of the *scire facias*, and filing said plea, the defendant to such *scire facias* had no real estate in the State of Indiana subject to execution.

SEC. 2. That if upon trial thereof, such issue, raised by said plea, shall be found for the plaintiff, he shall have judgment as heretofore; but should such issue be found for the defendant, judgment shall be rendered in his favor for costs only, and judgment for execution shall be rendered for the plaintiff for the amount of the judgment before the justice, together with interest and costs, exclusive of the costs of such *scire facias*.

SEC. 3. That the third section of the act mentioned in the above title be and the same is hereby repealed.

SEC. 4. This act to be in force from and after its passage.

Auditor of State to audit and settle the commissioners' accounts, give discharges, &c.

Defendant permitted to plead in bar of costs.

If issue be found for defendant, he shall have judgment for costs, &c.



## CHAPTER IV.

*An Act defining the duties of County Treasurers in certain cases.*

[APPROVED JANUARY 13, 1845.]

No per centage  
to be received  
by treasurers on  
road tax worked  
out.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, when any road tax shall have been worked out according to the provisions of the laws now in force, no county treasurers shall charge or receive any per centage on the same.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER V.

*An Act to authorize Supervisors to purchase suitable tools to work the roads with.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the supervisors of each road district in this State are hereby authorized to expend so much of the money collected by them for road tax as is necessary to purchase suitable tools to work said roads with.

## CHAPTER VI.

*An Act to amend the law relative to licenses upon Clocks.*

[APPROVED JANUARY 13, 1845.]

Boards doing  
county business  
to fix the rate  
and grant  
license to vend  
clocks.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in each county in this State, are hereby authorized, in their discretion, to fix the amount to be paid for a license to vend clocks within their respective counties, at any

sum not exceeding fifty dollars; and that such license shall be valid in the name of the person to whom it is issued, but may be used while in the possession of any agent of the principal, having a power of attorney from such principal, authorizing such agent to sell.

SEC. 2. Permits shall not be allowed to any one for the purpose of selling clocks; and the 170th section of chapter 12 of the revised laws of 1843 shall apply to the 7th clause of the 165th section of said 12th chapter, in the same manner that said 170th section applies to the 6th clause of said 165th section of said chapter. All laws and parts of laws contravening this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER VII.

*An Act in relation to School Commissioners.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several school commissioners of this State shall hold their offices for three years from the second Monday of March next succeeding their respective elections, and until their successors are elected and qualified.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER VIII.

*An Act to confine Voters to their respective Townships.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no person shall be permitted to vote at any election for State or county



officers, or for electors of President and Vice President of the United States, except in the township of which such person shall be a resident at the time of such election.

Penalty for violation of law.

Sec. 2. Any person who shall violate the provisions of this act, shall, upon conviction thereof, by presentment or indictment, be subjected and liable to the same penalties now imposed by law upon persons guilty of illegal voting.

## CHAPTER IX.

*An Act to prevent the election of Public Defaulters.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any county or counties, electing a public defaulter or defaulters, to either branch of the General Assembly, shall be liable for all expenses and costs of contents, [contests.]

SEC. 2. All such expense shall be paid back to said county by the persons elected.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER X.

*An Act providing compensation to Supervisors of Roads and Highways.*

[APPROVED JANUARY 10, 1845.]

Boards to allow compensation to supervisors, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several boards doing county business in this State, be, and they are hereby authorized to allow the several supervisors of roads and highways, in their respective counties, such compensation as they in their discretion may deem reasonable and just, not exceeding seventy-five cents for each day they may have (in the opinion of said board,) been necessarily

engaged in the discharge of their duties, to be paid out of their respective county treasuries.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XI.

*An Act to secure to Recorders their Fees in certain cases.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any person presents any deed, mortgage, or other instrument of writing, to any recorder, for record, if the person so presenting the same be a non-resident of the county, the recorder shall not be compelled to record such deed, mortgage, or other instrument of writing, until his fee therefor be fully paid.

SEC. 2. That so much of the fifteenth section, of the eighth chapter, of the Revised Statutes of 1843, as conflicts with the provisions of this act, be, and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER XII.

*An Act supplemental to an act, entitled, "An act relative to the Water Power at Northport, in Noble County," approved Jan. 21, 1843.*

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the general superintendent of the Wabash and Erie canal to draw on the Treasurer of State for such an amount of canal land scrip, as may be necessary to complete the Northport feeder dam, in the manner contemplated by the provisions of the act to which this is a supplement: *Provided, however*, That said superintendent can procure



If land can be had sufficient to use water power, &c.

Amount of scrip not to exceed \$1000.

On order of superintendent Treasurer to issue scrip, &c.

from Francis Comparett a deed of gift, in fee simple to the State of Indiana, conveying a sufficient tract of land for the purpose of using said water power: *Provided, also, That the amount of said scrip shall not exceed the sum of one thousand dollars.*

SEC. 2. It is hereby made the duty of the Treasurer of State to issue such scrip as has heretofore been issued on the Wabash and Erie canal, east of Tippecanoe river, upon an order to him directed, by the general superintendent of said canal, and the reimbursement of the said scrip shall be made in the manner provided by the act to which this is an amendment.

SEC. 3. This act to take effect and be in force from and after its passage. And it is hereby made the duty of the Secretary of State to transmit, at as early a day as may be practicable, a certified copy of the same to the general superintendent of the Wabash and Erie canal.

### CHAPTER XIII.

*An Act to authorize the re-occupation (by the original Proprietors,) of Lands set off to the use of the State, under the various acts in relation to Internal Improvements.*

[APPROVED JANUARY 13, 1845.]

Owners of land to re-occupy, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases when lands have been set apart by authority of law, in this State, for the use of the public, under any of the acts in relation to internal improvements, when the said lands have not been so used, or the public use whereof has been suspended or discontinued, the owners of the tracts of land to which the said lands so appropriated to public use originally belonged, are hereby authorized to re-occupy the same: *Provided, That the provisions of this act shall not extend to persons who have received any compensation from the State of Indiana for said property, or the injury done thereto.*

Not to extend to persons who have received compensation for land.

State not to be divested of its rights, &c.

SEC. 2. Nothing in this act shall be so construed as to divest the State of its property in and to said lands, so originally set apart and appropriated to the use of the State; or to use any of the materials belonging to the State, which may have been obtained for the use of said

State, in the construction of any of said works of internal improvements, or in anywise to alter or impair embankments or constructions of any kind; nor shall this act be so construed as in anywise to interfere with any order or orders, in relation to roads made by any of the county boards of this State.

SEC. 3. That in all cases when a re-occupation shall take place under the provisions of this act, and it shall be necessary for the State, or its authorized agents, or any company, at any time thereafter, to take possession of the premises, or grounds so re-occupied by virtue of any law now in existence, or which may hereafter be passed by the General Assembly, the State by its agents, or the said company, by its agents, are hereby authorized to take possession of the same, in as full property, and with the same right, as if this act had not passed.

The State or companies may re-occupy land, &c.

SEC. 4. This act to be in force from and after its passage.

### CHAPTER XIV.

*An Act to authorize Pirogues and Canoes to navigate the Wabash and Erie Canal.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be lawful to navigate the Wabash and Erie canal with pirogues and canoes; and in doing so, they shall have all the rights, and be subject to all the liabilities, rules, and regulations now provided by law as to other crafts.

SEC. 2. One half the tolls now fixed by law, for unladen canal boats, navigating said canal, shall be charged upon each pirogue or canoe, navigating as aforesaid: *Provided, That this section shall not apply to the freight that such canoe or pirogue may carry.*

Toll for navigation, &c.

SEC. 3. No pirogue or canoe shall navigate the same at a speed exceeding three and a half miles per hour, subject to the penalty upon violation of this provision, imposed upon canal boats, regularly navigating said canal.

Rate of navigation not to exceed three and a half miles per hour.

SEC. 4. This act shall be in force from and after its passage.



## CHAPTER XV.

*An Act to revive in part the First Section of the Eighth Chapter of an act, entitled, "An act incorporating Congressional Townships, and providing for Schools therein," approved February 17, 1838.*

[APPROVED JANUARY 13, 1845.]

Act revived in part.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the first section of the eighth chapter, of an act, entitled, "an act incorporating congressional townships, and providing for public schools therein, approved February 17, 1838," as provides that school lands belonging to any congressional township, may be sold, on petition of a majority of all the legal voters of such township, be, and the same is hereby revived.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER XVI.

*An Act declaratory of the meaning of the 29th Section of the 3d Article of the 31st Chapter of the Revised Statutes of 1843.*

[APPROVED JANUARY 13, 1845.]

All contracts to be subject to the same construction and decision as to usury.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said twenty-ninth section of the third article of the thirty-first chapter of the Revised Statutes of 1843, shall in all courts and places be construed to embrace and comprehend all contracts, as well those made or entered into before the passage of said law, as those which have been or may be hereafter made, whereby a greater rate of interest has been or may be received, contracted for, taken or received, than was, or may be allowed by law at the time of making or entering into such contract, and such is hereby declared to be the true intent and meaning of said section.

Usury paid, not to be recovered back, &c.

SEC. 2. That if any person has paid any interest so unlawfully contracted for, taken, or received, no action shall be maintained for the recovery thereof.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER XVII.

*An Act in relation to the Expenses of Removal on Change of Venue in civil cases.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever hereafter, at any one term, or terms of court, change of venue shall be granted from any circuit court to any other circuit court, in any two or more causes or actions, on the application of the same party or parties, plaintiffs or defendants in such suits or actions, the clerk of the circuit court from which such change is granted, shall be entitled to receive compensation for the expenses of removal, or mileage, in one only of such cases, and no more.

When several suits are changed by same party, clerk to receive compensation but for one.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER XVIII.

*An Act to amend the 2d Article of the 42d Chapter of the Revised Statutes of 1843.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixteenth section of the forty-second chapter of the Revised Statutes of 1843, be, and the same is hereby so amended as to include boats and vessels of every description, whether owned, built, repaired, or equipped within this State or elsewhere, or by citizens of this or any other State; and in addition to the liabilities mentioned in said sixteenth section, said boats and vessels shall also be liable for all damage growing out of the breach of any contract made by the master, owner, consignee, or agent thereof, in relation to the transportation of freight, passengers, and baggage, or for supplies, stores, and provisions, and that such damages, shall be a lien upon such boats and vessels, and shall in all cases be construed to extend to the horses and harness belonging to such boats and vessels, and

16th sec. of 42d chap. so amended as to include boats of every description, and owners subject to damages, &c.

Damages lien on vessels, &c.



used, or intended to be used in towing the same; and such lien shall be placed upon a level in point of priority, with the lien mentioned in said sixteenth section, and shall be enforced as provided by the second article of the said forty-second chapter.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER XIX.

*An Act to authorize the Borrowers of the Congressional Township Fund, to secure their loans by lands within the proper Congressional Townships.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the eighth item of the one hundred and seventh section of the thirteenth chapter of the Revised Statutes, be so extended as to permit loans to be made as in other cases, upon the security of lands within the congressional township from which said fund is derived.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER XX.

*An Act to amend an act, entitled, "An act to abolish the Fee for issuing Patents to purchasers of Wabash and Erie Canal Lands," approved January 13, 1844.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the act to which this is an amendment shall extend to all patents for Wabash and Erie canal lands, issued before, as well as after the passage of this act.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER XXI.

*An Act to require the Auditor and Treasurer of State to annex a list of Defaulters to their Annual reports.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be the duty of the Treasurer and Auditor of State, in making out their respective annual reports, in addition to what there is now required by law to embody therein, to set out the name or names of any and all persons intrusted with any of the funds of the State, who may have become defaulters thereto, since their last preceding annual report, designating the amount of defalcation in each case, and the specific fund in relation to which each defalcation has accrued, together with the measure or measures that may have been adopted, for the recovery of the amount of the same, by proper authority, and the probability or otherwise, of such recovery.

SEC. 2. This act to take effect and be in force from and after its publication.

## CHAPTER XXII.

*An Act subjecting equitable interests in School Lands, to sale on execution.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when school lands have been sold by any law of this State, on a credit, and the purchase money in whole or in part has been paid by the purchaser, or valuable improvements have been made thereon, by such purchaser, or his assignee, all such lands may be sold under execution as other lands are sold, subject to any lien that the proper county, township, or district may have on such lands.

SEC. 2. The purchaser of any such lands at sheriff's sale, shall be deemed a purchaser of all the right, title, and interest of the execution debtor therein, and be



entitled to receive a deed for such interest, from the sheriff or other officer selling such lands, and shall hold the same subject to the payment of any part of the purchase money, or interest thereon due as aforesaid.

### CHAPTER XXIII.

*An Act to extend an act, entitled, an act to revive and amend an act, entitled, "An act for the relief of Settlers on the Wabash and Erie Canal Lands," approved February 24, 1840—approved January 15, 1844.*

[APPROVED JANUARY 13, 1845.]

Relief extended to persons having made improvements, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act, entitled, "an act to revive and amend an act, entitled, an act for the relief of settlers on the Wabash and Erie canal lands," approved February 24, 1840—approved January 15, 1844, be, and the same is hereby extended to all persons having settled and made improvements on the said Wabash and Erie canal land, to the first day of January, 1845.

SEC. 2. This act to be in force from and after its passage.

### CHAPTER XXIV.

*An Act concerning certain Conveyances therein named.*

[APPROVED JANUARY 13, 1845.]

Conveyances to be read in evidence, on proof of signature, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every conveyance by said State, or by the superintendent of the loan office of said State, or by the treasurer of said State, or by the president and commissioner of the sinking fund of said State, or by the agent of said State for the town of Indianapolis, in their official capacity, heretofore made, whether such conveyance is or is not acknowledged or proved, may be read in evidence, on proof that the signature or

signatures thereto is or are in the hand writing of the person or persons by whom the same purports to have been written, and that such person or persons, at the date thereof, or at the time of executing the same, was or were acting in the official capacity by which he or they might have legally executed such conveyance.

SEC. 2. Such proof shall be *prima facie* evidence that the person or persons who executed such conveyance, fully complied with all requisites of the law provisions to the execution of such conveyance. Conveyance as proof prima facie evidence, &c.

SEC. 3. That if any such conveyance is, or shall be without the seal of the person officially executing the same as aforesaid, such conveyance shall not thereby be rendered invalid, but shall have the same force and effect as if such seal had been attached. Conveyance not invalid for want of seal.

SEC. 4. That where such conveyance has been recorded, the record thereof may be read in evidence. Record evidence.

SEC. 5. This act to be in force from and after its passage.

### CHAPTER XXV.

*An Act in relation to sales of Real Estate by Executors and Administrators.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when any executor or administrator shall be ordered by any probate court to sell any real estate, it shall be lawful for such executor or administrator to make sale thereof for any sum not less than two-thirds of the appraised value of such estate. Executors or administrators to make sale for not less than two thirds appraised value.

SEC. 2. It shall be lawful for any probate court to confirm any sale of real estate heretofore made by any executor or administrator, which may have been sold for not less than two-thirds the appraised value thereof, such sale being made in all other respects according to law. Probate court to confirm sale, &c.

SEC. 3. When, in the judgment of any probate court, justice shall require it, it shall be lawful for such court to order a re-appraisal of any real estate ordered to be sold by any executor or administrator. Court to order re-appraisal, &c.

SEC. 4. This act to take effect and be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.



## CHAPTER XXVI.

*An Act providing for the distribution of the Road Tax paid into the State Treasury by the several Branches of the State Bank.*

[APPROVED JANUARY 13, 1845.]

Three per cent.  
fund, road tax,  
&c. to be distrib-  
uted by auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall hereafter be the duty of the auditor of public accounts, in making distribution of the three per cent. fund among the several counties of this State, to add to the sum received from the General Government, such sum as may have been paid in by the several branches of the State Bank as a road tax; and the aggregate of the receipts of the three per cent. fund, and the road tax on bank stock, shall be distributed among the several counties in this State, as the three per cent. fund has heretofore been distributed.

Treasurer to dis-  
tinguish, in his  
receipts, be-  
tween county  
and road tax,  
&c.

Auditor to open  
accounts, &c.

SEC. 2. That hereafter the receipts of the Treasurer of State shall show what amount has been paid into the State treasury, as county and road tax on individual stock in the State bank; and the Auditor of State shall open accounts on the books of his office, by which the amounts so paid in can readily be ascertained.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER XXVII.

*An Act to amend the 1st Article of the 50th Chapter of the Revised Statutes of 1843.*

[APPROVED JANUARY 13, 1845.]

County board  
select from the  
tax list qualified  
jurors.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the counties of Harrison and Morgan, at the March term thereof, after the passage of this act, or the next succeeding term thereafter, to select from the tax list, all (as near as may be,) the discreet householders and freeholders, resident in said county, having the qualifications of jurors.

Names of per-  
sons to be writ-  
ten on separate

SEC. 2. Such names so selected, shall be written on separate and similar pieces of paper, and closely folded,

so as to conceal the name, and put into a box provided pieces of paper, for the purpose, and well shaken together. put in a box, &c.

SEC. 3. The clerk of the circuit court shall then, in the presence of the board, and without seeing any of said names, draw from the box, first, the names of eight- Clerk shall draw from box, first, grand jurors, second, petit jurors. teen persons, who shall be grand jurors for the first term of said court; next the names of twelve persons, who shall be petit jurors for the first week of said term; and next the names of twelve persons who shall be petit jurors for the remainder of said term, and in like order the names of persons shall be drawn for grand and petit jurors, for the succeeding term or terms of said court in the same year and years next ensuing such drawing; and no other selection shall be made until all have been summoned, who shall remain in said county as such qualified jurors.

SEC. 4. That every person so selected, shall be allowed the sum of one dollar and twenty-five cents for each Jurors allowed \$1.25 per day. and every day he may serve as such juror, to be audited and paid as provided by the act to which this is an amendment.

SEC. 5. Every member of the board doing county business, in said county, or the clerk of the circuit court, sheriff, or any other officer, who shall practise any fraud, or be guilty of a wilful evasion of any of the provisions of this act, in the selecting, drawing, recording, or summoning of any grand or petit juror, shall, on conviction thereof, be fined in any sum not less than five nor more than one hundred dollars. Penalty for fraud by clerks, sheriffs, and other officers.

SEC. 6. All laws and parts of laws contrary to the provisions of this act, (so far as they relate to the county of Harrison,) be, and the same are hereby repealed. Repealed.

SEC. 7. This act shall be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

## CHAPTER XXVIII.

*An Act to amend the several acts for the Loaning and Collecting of the Sinking Fund, and for other purposes.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all sales heretofore made by the State, through her commissioners of the sinking fund, Sales valid.



or by the president thereof, of lands or lots bid in for the benefit of the State, for a failure of mortgagors to said fund to pay principal or interest on their loans, be, and the same are hereby declared valid and binding on the State; and in all such cases, and in cases of future sales of lands and lots bid in for the State, and in all cases of sales heretofore made, or hereafter to be made upon foreclosure of mortgages to said fund, a certificate of purchase, signed by the president of the board, or by any member thereof by order of the board, shall be deemed sufficient evidence of such purchase; and where full payment of the purchase money shall have been or may be made, it shall be lawful for the president of the board to execute and deliver to the purchaser or purchasers, his, her, or their heirs or assigns, in the name of the State, a patent or deed for such lands or lots, which shall vest in him, her, or them, and in his, her, and their heirs and assigns forever, all the right, title, and interest, which the mortgagor had in the lands or lots mortgaged and bid in and sold at the date of the mortgage, freed and discharged from all taxes and assessments made or levied for any purpose whatever, between the date of said mortgage and the date of such deed or patent; but no such deed or patent shall express or imply a warranty of title.

Certificate sufficient evidence of purchase.

President of board to execute patent or deed, &c.

Deed not to imply a warranty of title.

Mortgagors may re-instate mortgage within six months, by paying interest, costs, &c.

Mortgages hereafter may be re-instated within sixty days, &c.

After 6 months, persons having a claim under mortgagor, &c., a favored purchaser, according to priority of mortgage, and president of sinking fund to determine, &c.

After 6 months, lands or lots

SEC. 2. The mortgagor of any lands or lots so as aforesaid, bid in by the State for non-payment of principal or interest on loans, his, her, or their heirs or assigns may re-instate the mortgage within six months from the passage of this act, by paying the amount of interest, damages, and costs due thereon, and the interest for one year in advance; and in all cases where lands or lots shall be hereafter bid in for the State, the mortgage may be re-instated within sixty days from the day of sale on the same terms.

SEC. 3. After the lapse of six months, any person having a *bona fide* title claiming under such mortgagor, or any *bona fide* junior mortgagor or junior incumbrance shall have the privilege of becoming a favored purchaser of the whole or any portion of the premises covered by any mortgage foreclosed and bid in by the State as aforesaid, according to priority of mortgage or other equity; and in case of several applications to purchase, or in case of conflict between applicants in regard to such privilege, the president and commissioners of the sinking fund shall have power to determine the same, whose decision in the premises shall be final.

SEC. 4. After the expiration of said six months, any

and all lands and lots bid in by the State as aforesaid, once offered for sale, shall be subject to private sale, &c. shall be subject to private sale, &c.

SEC. 5. On all such sales, and on all sales by foreclosure of any mortgage, bond shall be taken from the purchaser for the payment of the purchase money and interest, and that he will not commit or suffer waste of the premises: and when deemed proper, other security may be required.

SEC. 6. The said commissioners of the sinking fund shall have power, either by one of their own number, or by any authorized agent, to enter upon and lease any lands or lots so bid in for the State, for any term of time not exceeding one year; and from year to year, until such lands or lots can be sold. And they shall have power, as a general agent, to superintend and manage any and all of such lands and lots, for the benefit of the State, and to constitute agents under them for those purposes.

SEC. 7. Whenever the principal, or any instalment of interest, due on any sinking fund or bank stock mortgage, shall be unpaid for six months after the same falls due, and the commissioners of the sinking fund, or the president of the board thereof, shall deem it for the interest of the State to have the occupant removed from the land or lot so mortgaged, and shall so certify to the auditor of public accounts, the said auditor shall cause notice to be given to the occupant to remove therefrom; and in case of his refusal or neglect to comply with such notice, the auditor shall issue his warrant to the sheriff of the county in which such land or lot may be, directing him to remove such occupant within ten days from the receipt of such warrant, which duty such sheriff shall perform; and in executing said warrant the said sheriff shall have the same powers that are given him in the execution of a writ of *habere facias possessionem*.

SEC. 8. Wherever any lands or lots have been, or may be bid in by the State, for a failure to pay, as above mentioned, and the mortgagor or occupant neglects or refuses to remove therefrom, on being notified so to do by the commissioners of the sinking fund or the president of the board thereof, the auditor of public accounts, on receiving proper notice thereof from said commissioners or president, shall issue his warrant as is in the last pre-

Auditor to issue warrants to remove occupant, &c.



ceding section provided,—directed as aforesaid,—which shall be executed as thereby required.

Remedy for obtaining possession by purchasers from the State, &c.

Proceedings may be stayed by order of court, &c.

Sheriffs may remove persons off of lands, and they may be punished, &c.

Trespassers subject to pay three times the amount of the injury done.

SEC. 9. The purchaser or purchasers of any land or lot so as above sold by the State, and having a certificate of such purchase, and his, her, or their heirs or assigns, shall have the same remedy for removing the occupant from any such land or lot as is in the preceding sections provided: *Provided, however,* That complaint shall first be made in writing to said auditor, setting forth that the person complaining is the purchaser or the heir or assignee of the purchaser, as above mentioned, and the occupant or occupants, naming him, her, or them, having been notified to remove and refuse or neglect to do so, which complaint shall be verified by the oath or affirmation of such complainant: *And, provided, also,* That an injunction or stay of proceedings or other legal remedy, may be granted or awarded by the proper circuit court, in favor of such occupant, and the proceeding against him stayed on bill or affidavit being filed, and bond and security given to the State, or the purchaser or the said heirs or assigns of said purchaser or purchasers, (as the case may be,) in a penalty sufficient, and conditioned to prosecute the suit or bill with effect, and in default to pay all damages that the obligee may sustain by reason of said injunction or other proceeding.

SEC. 10. The sheriff shall retain said warrant in his hands, and if any person so removed, or any other person shall return to, settle, or reside upon such land or lot, without the consent of the auditor, or the said commissioner, or president, the said sheriff shall forthwith remove such person; and such person shall be deemed guilty of a misdemeanor, and be liable to presentment or indictment therefor, and shall, on conviction, be fined or imprisoned in the discretion of the jury trying the same; the fine not to exceed one hundred dollars, and the imprisonment not to exceed thirty days; the costs of the sheriff for executing the warrant, to be collected under the warrant by levy and sale of the defendant's property in his bailiwick.

SEC. 11. Any person who shall trespass on any land or lot so bid in by the State, or shall commit any wilful waste thereof, shall forfeit and pay three times the value or amount of injury done by him, her, or them, or under his, her, or their direction, and such value or amount shall not be assessed at less than ten dollars, to which may be added imprisonment not exceeding thirty days.

SEC. 12. The purchase of any such lands, until full payment be made, shall not confer on the purchaser or any other person claiming under him, any right to cut down or destroy any valuable timber or wood standing or growing thereon, nor to remove or destroy any fence, houses, or other buildings, nor to remove any stone or other valuable material: all or either of which is hereby declared to be wilful waste within the meaning of the last preceding section: *Provided, however,* That taking or using necessary wood or timber, and other materials for fuel and improving the premises, are not hereby prohibited: *And, provided also,* That any waste by such purchaser or other person shall forfeit the purchase, and the person or persons guilty thereof may be removed from the premises according to and under the provisions of the seventh, tenth, and eleventh sections of this act.

Purchasers not to injure lands, &c.

SEC. 13. In all cases where lands and lots have been bid in for the State, and offered for public sale, but have not sold, and where it is considered by the commissioners of the sinking fund that the same are not worth and probably will not sell within a reasonable time for the amount chargeable upon them, the said commissioners shall cause a re-valuation thereof to be made in such manner as to them may appear most judicious, and may sell the same according to such valuation, either at public or private sale: *Provided,* It may be lawful for said commissioners to advertise lands bid in by the State for four weeks and no more.

Commissioners may cause re-valuation, and sell accordingly, at public or private sale, &c.

SEC. 14. After a sale of the mortgaged premises duly made, there shall be no redemption; and this provision is declared to apply to sales heretofore made, and to cases where the State has been or may become the purchaser, as well as to purchases by third persons: *Provided, however,* That nothing herein shall prohibit the re-instatement of a mortgage under the second section thereof.

After sale, no redemption, &c.

SEC. 15. When default is made in the payment of the principal or interest of any loan from the sinking fund, the commissioners shall, in the first instance, proceed upon the bond in every case where the obligor is considered responsible, and where the mortgage is considered insufficient, and ultimately for any deficit, upon the mortgage.

Commissioners proceed to collect payments first on bond, &c.

SEC. 16. In foreclosure sales it shall be discretionary with the commissioners, when there is no bid by a third person, either to bid in the land for the State, or let the mortgage remain open for the time being.

Discretionary with commissioner to bid land off, or let the mortgage stand open, &c.



Three members constitute a board &c.

SEC. 17. Any three members shall constitute a board of commissioners of the sinking fund, and a meeting may be called at any time by the president or any three members.

Commissioners may substitute mortgages; no lessening the security, &c.

SEC. 18. The said commissioners shall have power to substitute mortgages, except stock mortgages, when applied for, in cases where the fund will probably sustain no detriment, and to grant and execute partial releases of mortgages upon receiving part payment: *Provided*, That in either case the commissioners shall be satisfied that by substituting or releasing as aforesaid, the security is not lessened.

Commissioners may re-invest the principal of stock mortgages paid off, &c.

SEC. 19. The said commissioners shall have power to re-invest the principal of stock mortgages that may be paid off, and the excess of dividends on State stock over the interest on the bank loan, either by loans on real estate security—in stock in such branches as yield the best dividends, or in the purchase of the bonds given for the bank loan.

Commissioners may receive from stock mortgagors, transfers, &c.

SEC. 20. The said commissioners may, in their discretion, receive from stock mortgagors, who may be seriously embarrassed, transfers to the State of so much stock in branches where they are stockholders, as will relieve their mortgages: *Provided, however*, That no such transfer shall be taken in branches that do not yield six per cent. dividends—and that the provisions for a surrender of stock by an embarrassed debtor and stockholder in any branch of said bank, and for cancelling the same by its application to his debt, by the unanimous consent of the directors of such branch, enacted by the “act to provide for the reduction of the State and individual stock in the State bank, and for other purposes,” approved February 2, 1843, be, and they are hereby extended for the further period of twelve months from the taking effect of this act; and in the cancelling of any stock under said act, may be included such parts of any shares of stock as such indebted stockholder shall have paid out without borrowing from the State.

Certificates, deeds, or patents admitted as evidence, &c.

SEC. 21. Certificates of purchase, deeds, and patents, made and signed as is authorized in this or any other act, shall be admitted as evidence in all courts, and the recitals and statements therein contained shall be *prima facie* evidence of the verity thereof, subject, however, to be rebutted or disproved by other competent evidence.

SEC. 22. This act to take effect and be in force from and after its passage, and shall be published in the Indiana State Sentinel and Indiana State Journal.

## CHAPTER XXIX.

*An Act requiring an enumeration of the White Male Inhabitants of this State.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be, and is hereby made the duty of the county assessor of each of the counties in this State, by himself or deputies, before the first day of June, A. D. 1845, to make a complete list of the resident white male inhabitants above the age of twenty one years, within his proper county, on the first day of March, A. D. 1845. County assessors to make list of resident white male inhabitants.

SEC. 2. Said list shall be contained in a book, to be furnished and delivered him by the auditor of the proper county, or the person discharging his duties, on or before the first day of March aforesaid; and in such book the names of all persons aforesaid shall be entered and numbered in their proper order, by said assessor, under the name of their respective townships, which shall be written at the top of the page alphabetically. Auditors of county to furnish books to assessors.

SEC. 3. On or before the first of June, A. D. 1845, said assessor shall make return of said list, to the auditor of his county, or the person discharging his duties, and take an oath, a certificate whereof shall be entered by the auditor, or person aforesaid, at the end of said list, and be subscribed by said assessor, that he has faithfully discharged his duties under this act, and that the list returned by him is a complete and correct list of the resident white male inhabitants, above the age of twenty-one years, within his proper county, on the first of March, A. D. 1845, according to the best of his information and belief. Assessor to make return to county auditor. Take an oath that the list is correct.

SEC. 4. Should any of the enumeration above required [be taken] by any deputy assessor, it shall be his duty to make the return, and to take and subscribe the certificate of the oath aforesaid required, as to such part, and the return and the oath as to such part shall not be made by his principal. Deputy assessor to make return, take oath, &c.

SEC. 5. It shall be the duty of the auditor of each county, or the officer discharging his duties, forthwith after the making of such return, to transmit to the auditor of State his certificate, of the number listed in each township of his county, and also the aggregate number listed in all the townships of said county. County auditor to make return to auditor of State.



County board to  
make allowance  
to assessors.

SEC. 6. The board doing county business shall allow to the assessor, or his deputy, for services done under this act, the same compensation that is now allowed him by law, in the discharge of his regular official duties.

SEC. 7. This act shall be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel; and the Secretary of State is directed to cause the same to be immediately done.

### CHAPTER XXX.

*An Act to regulate the attendance of Grand and Petit Jurors in the Fifth Judicial Circuit.*

[APPROVED JANUARY 13, 1845.]

Jurors to be  
summoned to at-  
tend on the 3rd  
day of the term.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the taking effect of this act, the grand jurors for the several counties in the fifth judicial circuit shall be summoned to attend, on the third day of the circuit court, in their respective counties, instead of the first day: *Provided*, Nothing in this act shall apply to the counties of Boone and Shelby.

SEC. 2. This act shall be a public act, and be in force from and after its passage, and shall be published in the Indiana State Sentinel and Indiana State Journal.

### CHAPTER XXXI.

*An Act authorizing the State Treasurer to receive certain Treasury Notes, and for other purposes.*

[APPROVED JANUARY 13, 1845.]

WHEREAS, it has been made to appear to this General Assembly, by report of the State Treasurer, that some of the one quarter of one per cent. treasury notes have been altered so as to bear the appearance and purport to be of the six per cent. issue, of the dates of April

and September, 1840, and other dates; which fact has induced said Treasurer of State to refuse to receive the same from county treasurers; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby required to receive from the several county treasurers of this State, in payment of State revenue, all altered State scrip, at the rate that the same issued from the State treasury. State treasurer to receive from county treasurers altered scrip, &c.

SEC. 2. That the several county collectors are hereby likewise required to receive, in payment of State revenue, all such altered State scrip, at the rate the same issued from the State treasury, as is provided in the first section hereof. County treasurers authorized to receive altered scrip, &c.

SEC. 3. This act to be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

### CHAPTER XXXII.

*An Act for the appointment of Commissioners of the Reserved Township of Land in the Counties of Gibson and Monroe.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Smith of the county of Gibson, and John W. Berry of the county of Monroe, be, and they are hereby appointed commissioners, on the part of the State, of the reserved township of land in their respective counties for the term of three years from and after the first day of March, 1845. Commissioners appointed to serve 3 years, &c.

SEC. 2. That before entering upon the duties of their said term, they shall severally take an oath or affirmation, before some person authorized to administer the same, faithfully to perform their duties according to law; and moreover to give bond with approved securities, in the penalty of fifteen thousand dollars each, payable to the State of Indiana, and to be approved of by the governor, and conditioned for the faithful performance of the duties of the office aforesaid; which bond shall be filed in the office of the auditor of public accounts, and shall, from its date, be a lien on the lands and tenements of the obligors. Take oath and give bond. Bond approved by the governor



Term of service extended.

SEC. 3. That the said commissioner, when qualified, shall be governed in all respects by the laws now in force defining their duties.

Their acts legalized.

SEC. 4. *And be it further enacted*, That the term of service of the present incumbents shall be extended until the said first day of March, 1845, and that all their acts as such commissioners, performed as required by law from the expiration of their last appointments are hereby legalized, to all intents and purposes, as if said appointments had not terminated until the said first day of March, 1845.

Governor to fill vacancy.

SEC. 5. It shall be the duty of the Governor to fill any vacancy which may occur in the said office of commissioner in either of said counties by appointment.

SEC. 6. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

### CHAPTER XXXIII.

*An Act to extend the time of holding the May Term of the Decatur Circuit Court.*

[APPROVED DECEMBER 26, 1844.]

May sit eighteen days.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Decatur circuit court shall hereafter sit eighteen days at each term, if the business thereof require it.

First week hearing of criminal and chancery causes, &c.

SEC. 2. The first week of each term shall be devoted to hearing and disposing of criminal and chancery causes, causes on appeal or error brought up from the probate court, and for disposing of issues of law, and making up issues of fact.

2d and 3d weeks common law causes.

SEC. 3. The second and third weeks of each term of said court, shall be devoted to hearing and disposing of common law causes, and the transacting of any other business that may lawfully come before said court.

Clerk shall make up his docket, &c.

SEC. 4. The clerk of said court shall, on making up his docket for the second and third weeks of said court, set as many causes for each day, as in his opinion can be disposed of on such day; and the witnesses in each cause shall be summoned to attend on the day on which said cause is set for trial.

Witnesses summoned on the day the trial is set for.

SEC. 5. If, at the end of any term of said court, the judges thereof shall be of opinion that three weeks is more time than is necessary for the transacting the business of said court, they may regulate the same by an order entered on the order book of said court.

SEC. 6. This act shall take effect and be in force from and after its passage.

### CHAPTER XXXIV.

*An Act to repeal a part of Section 56, Chapter 12, Revised Statutes of 1843.*

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of said section fifty-six, chapter twelve, of the Revised Statutes of 1843, as authorizes the treasurer to levy and collect five per cent. damages, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.

### CHAPTER XXXV.

*An Act to provide for the payment of the Members and Officers of the General Assembly.*

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several county treasurers in this State, are authorized and required to pay any warrant upon the State treasury, which may be presented to them, out of any funds in their hands, belonging to said State; and said warrants shall be the proper vouchers of said treasurers in their settlement with the Treasurer of State: *Provided*, The provisions of this

County treasurers to pay accounts on the State treasury to certain creditors, &c.



act shall only extend to warrants issued for the pay of members and officers of the present General Assembly.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

## CHAPTER XXXVI.

*An Act repealing certain acts relative to the establishment of Bank Districts.*

[APPROVED JANUARY 13, 1845.]

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all acts or parts of acts heretofore passed by the General Assembly, creating bank districts, within which no bank has been established or put into operation, be, and the same are hereby repealed.

## CHAPTER XXXVII.

*An Act to extend the time of payment to Purchasers of School Lands and Borrowers of the School Funds.*

[APPROVED JANUARY 13, 1845.]

Six years allowed for payments, on the payment of interest, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons indebted for any portion of the money due on the sale of the sixteenth section of school lands, be allowed a further time of six years, from and after the passage of this act, to make final payment: *Provided*, That before they shall be entitled to the benefit of this act, they shall pay over to the school commissioner, the interest for one year in advance on the amount due, at the same rate that said commissioner is authorized to loan moneys in his hands; and shall, if the county auditors deem the safety of the fund requires it, secure the payment of the principal by mortgage on the purchased premises, and on an equal quantity of unincumbered land of equal quality and value.

SEC. 2. That the provisions of this act shall be extended to borrowers of the school fund.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER XXXVIII.

*An Act fixing the time of holding Courts in the Fifth Judicial Circuit.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts of the fifth judicial circuit shall hereafter be commenced and holden at the times following, to-wit: In the county of Hancock on the third Mondays of February and August, and shall sit six days at each term, if the business thereof requires it; in the county of Shelby on the fourth Mondays of February and August, and shall sit twelve days, if the business thereof requires it; in the county of Bartholomew on the second Mondays of March and September, and shall sit twelve days at each term, if the business thereof requires it; in the county of Johnson on the fourth Mondays of March and September, and shall sit six days at each term, if the business thereof requires it; in the county of Hamilton on the Mondays succeeding the courts in the county of Johnson, and shall sit six days at each term, if the business thereof requires it; in the county of Hendricks on the Monday succeeding the courts in the county of Hamilton, and shall sit twelve days at each term, if the business requires it; and in the county of Boone on the Mondays succeeding the courts in the county of Hendricks, and shall sit six days at the first term after the passage of this act, if the business thereof requires it; and at each succeeding term, said court shall sit twelve days, if the business thereof requires it. In the county of Marion the courts shall be holden at the times following, to-wit: the first term after the passage of this act shall commence on the fourth Monday in April, 1845, and shall sit twelve days, if the business thereof requires it; and the second term shall commence on the third Monday in July, in said year, and shall sit twenty-four days, if the business thereof requires it. After

Times of holding courts in the 5th circuit.



which said court shall be commenced and holden on the third Mondays of January and July in each year, and shall sit twenty-four days at each term, if the business thereof requires it.

Process to be returned at the times fixed by this act, &c.

SEC. 2. That all writs, subpoenas, and other process issued, or which may hereafter, and before the taking effect of this act, be issued from any of the courts aforesaid, shall be returnable at the times fixed by this act for the holding of such courts; that all business pending in such courts, shall be taken up and acted upon in the same manner as if no alteration had been made in the time of holding such courts; and all suitors, witnesses, and all other persons concerned shall take notice of this act and appear accordingly.

SEC. 3. That the provisions of an act, passed at the present session of the General Assembly, fixing the times of holding the courts in the county of Marion, be, and the same are hereby suspended.

Probate courts in a certain event to be holden on the Monday next, &c.

SEC. 4. That whenever it shall so happen that the time fixed by this act for holding the terms of the circuit courts of any county, shall fall within the time fixed by law for holding the probate courts of such county, then such probate court shall commence and be holden on the Mondays next succeeding the time fixed by this act for the adjournment of such circuit court.

SEC. 5. That this act shall be a public act, and shall be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel; and it is hereby made the duty of the Secretary of State to forward a copy thereof to the respective clerks' offices in the said fifth circuit, without delay.

## CHAPTER XXXIX.

*An Act providing for the distribution and sale of the surplus copies of the Revised Statutes of 1843.*

[APPROVED JANUARY 13, 1845.]

Secretary to distribute surplus copies of Revised Statutes to county treasurers, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State be authorized and required, at the same time of distributing the laws of the present session of the General Assembly, to distribute among the county treasurers of the several

counties in said State, in proportion to the number of polls therein, all the surplus copies of the Revised Statutes of 1843, remaining on hand in his office, excepting so many as may be required for the use of the members of the General Assembly.

SEC. 2. It shall be the duty of said county treasurers to receive and keep the copies of said statutes as may be so deposited with them, and to sell the same for the price of two dollars per each copy thereof.

County treasurers to sell copies of Revised Statutes at two dollars each.

SEC. 3. Every such treasurer shall be entitled to retain five per cent. of the proceeds of the sales of any copies of said statutes by them sold, and the balance of such proceeds shall be by them respectively paid into the State treasury at the same time that the revenues from such counties are paid; and such treasurers are strictly prohibited from permitting any copies of said statutes from being removed from their custody, excepting as the same may be sold as aforesaid.

Treasurers to retain five per cent. and pay over residue into State treasury with revenue, &c.

Treasurers not to suffer Statutes taken out of his custody until sold, &c.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER XL.

*An Act to legalize the Assignment of Certificates to certain School Lands in the State.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the bona fide holder of any certificate of school lands in this State, who may have become the holder of such certificate, and owner of such lands, by purchase and assignment from the original or other purchasers, shall be entitled to demand of, and receive from the school commissioners authorized to convey such lands, a deed in fee simple for the same, although the said certificate, when the same was assigned by the original, or any other intermediate purchaser, has not been acknowledged before the proper officer, as required by the law at the time of such assignment; but it shall not be lawful for any school commissioner, to make any deed to such land, specified in such certificate, unless such commissioner shall be satisfied that the person who holds the same is in good faith the owner

Holder of certificate entitled to deed, &c.



Commissioner to  
be satisfied to  
whom deed  
should be made,  
hear evidence,  
&c.

of such land; nor until full payment for the same has been made, that in all cases contemplated by this act, the school commissioners shall be satisfied to whom a deed for such lands should in equity and justice be made, and he is authorized to hear evidence, either oral or written, to ascertain the rights of the party who may desire any such conveyance.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER XLI.

*An Act to regulate the Fees of County Treasurers, for receiving and expending the County Seminary Fund.*

[APPROVED JANUARY 11, 1845.]

Fees for expend-  
ing funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the county treasurers for receiving and expending the county seminary fund, shall not be entitled to more than one half of one per cent.*

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XLII.

*An Act to amend an act, entitled, "An act to provide for the Collection of Debts due from the Lawrenceburgh and Indianapolis Railroad Company.*

[APPROVED JANUARY 13, 1845.]

Time of pay-  
ment extended  
to mortgagors  
until first of Jan-  
uary, 1846, on  
their giving  
security within  
sixty days, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the privilege of payment of the debts remaining due from the mortgagors, to the Lawrenceburgh and Indianapolis railroad company, in the manner prescribed in the act, entitled, "an act to provide for the collection of the debts due from the Lawrenceburgh and Indianapolis railroad company, approved January 20, 1842," be, and the same is hereby extended until the first day of January, 1846, on the*

following conditions: That the said mortgagors, asking such delay, shall give security to the satisfaction of the Auditor and Treasurer of State for the payment of their respective debts, at the time above specified, with all interest due thereon: that if such security is not given within sixty days after the passage of this act, the Treasurer of State shall proceed to sell such delinquent mortgages in the manner, and for the payments to be made as in the act to which this is an amendment provided.

Treasurer of  
State shall sell  
mortgages, &c.

## CHAPTER XLIII.

*An Act for the benefit of Bail for the Stay of Execution.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That any person having become bail for the stay of execution, who may pay and satisfy the judgment on which he is such bail, or any such balance due thereon, may, upon the order of the court, have execution upon the judgment for his benefit, until he obtains re-payment of such sum as he may so have paid and satisfied.*

For the relief of  
bail.

SEC. 2. This act shall be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.

## CHAPTER XLIV.

*An Act fixing the time of holding Courts in the Eighth Judicial Circuit, and for other purposes.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the counties of Richardville and Tipton, be, and the same are hereby attached to the eighth judicial circuit.*

Eighth circuit.



SEC. 2. That the terms of court in the county of Cass, shall commence on the second Mondays in February and August; in the county of Miami on the Monday succeeding the courts in the county of Cass; in the county of Wabash on the Monday succeeding the courts in the county of Miami; in the county of Fulton on the Tuesday succeeding the courts in the county of Wabash; in the county of Pulaski on the Tuesday succeeding the courts in the county of Fulton; in the county of Jasper on the Tuesday succeeding the courts in the county of Pulaski; in the county of White on the Tuesday succeeding the courts in the county of Jasper; in the county of Carroll on Monday succeeding the courts in the county of White; in the county of Richardville on Tuesday succeeding the courts in the county of Carroll; in the county of Tipton on the Monday succeeding the courts in the county of Richardville.

SEC. 3. The terms of court in the counties of Cass, Miami, Wabash, and Carroll, shall be two weeks each; and in the counties of Fulton, Pulaski, Jasper, White, Richardville, and Tipton, five days each; for which time said courts shall sit, if the business thereof shall require it.

President judge  
may order special  
term to try  
criminals, &c.

SEC. 4. Whenever one or more persons are confined in any jail in any of the counties of the eighth judicial circuit, upon a criminal charge preferred against him or them, the president judge thereof may, if in his discretion he believes the interest of said county would be promoted thereby, issue a notice to the sheriff of the proper county, directing him to give notice that a term of the circuit court of said county will be held on a certain day, and it shall be the duty of the sheriff of said county to give notice thereof by advertisement, at the usual place of holding elections in each township of said county, and whenever directed by the court so to do, to summon a grand and petit jury of the qualified citizens of said county.

SEC. 5. Said court, when met in pursuance of the notice aforesaid, shall exercise all the powers of a regular term thereof, in the discharge and trial of all such offenders, and of such other cases, civil and criminal, as the proper parties may agree to try, and may do and perform all such acts as they might lawfully do at a regular term.

SEC. 6. The February and August terms of the Cass probate court shall commence on the first Mondays in February and August, and may sit one week; any law to the contrary notwithstanding.

SEC. 7. All pleas, processes, recognizances, suits, and causes of action whatever, returnable at the next term of the said court, in the eighth judicial circuit, or which could then be tried, if no change had been made in the law fixing the term of court in said circuit, shall be returnable, and shall be acted upon at the times fixed in this act.

SEC. 8. This act shall be in force from and after its passage; and it shall be the duty of the Secretary of State to send two copies thereof to the clerks of each of the counties, and to the editor of the Democratic Pharos, for publication.

## CHAPTER XLV.

*An Act regulating the issuing of Writs of Supersedeas.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the supreme court, or any judge thereof, either in terms or in vacation, shall have authority to issue writs of supersedeas.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER XLVI.

*An Act to allow a bounty on Wolf Scalps.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every person who shall take and kill any wolf within this State, shall receive a bounty of one dollar and fifty cents, to be paid out of the county treasury of the county where such wolf may be taken.

SEC. 2. The person claiming such bounty, shall produce the scalp of such wolf within thirty days after the same shall be taken and killed, to the clerk of the circuit

Process returnable to the terms fixed by this act, &c.

One dollar and fifty cents allowed for wolf scalps.

Wolf scalp to be produced to clerk within thirty days, make affidavit, &c.



court in the county where such wolf shall be taken and killed, and shall state, on oath or affirmation, before said clerk, (who is hereby authorized to administer the same,) that he took and killed such wolf in said county, within the time above allowed. And state the age of said wolf, according to the best of his knowledge and belief. He shall also state whether any person assisted him in taking and killing the same, and if so, name such person.

Clerk to give certificate, &c.

SEC. 3. In the production of such scalp, and the filing of such affidavit, it shall be the duty of the clerk to give to the person producing said scalp, and making such affidavit, a certificate thereof, and such certificate shall entitle the legal holder thereof to the said sum of one dollar and fifty cents out of the proper county treasury, in the same manner as county orders are paid.

Applicants to pay clerk twenty-five cents.

SEC. 4. The clerk shall be allowed the sum of twenty five cents for administering said oath, and giving said certificate, to be paid by the person making such application.

Commissioners may make additional allowance.

SEC. 5. The county commissioners of the several counties in this State may, at any regular term of the board, allow a bounty in addition to that above allowed, of any sum not exceeding three dollars and a half.

## CHAPTER XLVII.

*An Act to amend Section three hundred and forty-two, Chapter thirty, of the Revised Statutes, as relates to fees and services of Executors and Administrators.*

[APPROVED JANUARY 13, 1845.]

Probate courts to allow executors and administrators compensation, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several probate courts of this State shall be, and they are hereby authorized to allow to executors and administrators what they may deem just and right, for their services in the settlement of estates where the amount does not exceed five hundred dollars, after examining such executors or administrators, under oath, touching their time employed in the same.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER XLVIII.

*An Act exempting personal property from execution.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any householder of the State of Indiana may save, reserve, select, or exempt from execution, personal property to the amount of one hundred and twenty-five dollars: *Provided, however,* That the provisions of this act, or any other law of this State, shall not extend to any persons only heads of families.

Heads of families to select one hundred and twenty-five dollars of property from execution, &c.

SEC. 2. All laws or parts of laws coming within the purview of this act be and they are hereby repealed.

## CHAPTER XLIX.

*An Act to amend Section eighty-eight, Chapter forty-eight, Article fourth, Part Third, of the Revised Statutes of 1843.*

[APPROVED JANUARY 11, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That said section eighty-eight, chapter forty-eight, article four of the Revised Statutes of eighteen hundred and forty-three shall be, and the same is hereby so amended, that no affidavit shall be required to obtain a *fieri facias* on any judgment, when one has been or may be issued within a year and a day from the rendition of such judgment.

Amendment.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER L.

*An Act to amend Article four, Chapter forty-five, of the Revised Statutes of 1843.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That said article four, chapter forty-five of the Revised Statutes of 1843 be, and the

Defaults on petitions for partition of real estate, shall have the same effect



as defaults in  
other cases.

same is hereby so amended, that a default which has or may be taken or had against any defendant or defendants for failure to appear, or plead, answer, or demur to any petition which has been or may be filed for a partition of real estate, shall have the same force and effect as defaults in suits at law; and the facts stated in such petition shall be deemed and taken as true, and adjudged and decreed accordingly.

SEC. 2. All laws and parts of laws coming within the purview of this act be, and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LI.

*An Act relative to the appointment of County Commissioners of the several counties in this State, to act as Boards of Library Trustees in their respective counties, and for other purposes.*

[APPROVED JANUARY 6, 1845.]

Boards of county commissioners constituted boards of library trustees, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the boards of county commissioners of the several counties in this State be and they are hereby constituted boards of library trustees for their respective counties, and as such shall do and perform all the duties that are now imposed on county library trustees by the provisions of the third article of chapter twenty-five of the Revised Statutes of 1843.*

Trustees to sell worthless books and apply the price in the purchase of others, &c.

SEC. 2. That the boards of county commissioners acting as boards of library trustees as aforesaid, may, in their discretion, dispose of, by sale, public or private, all such books belonging to any county library as are now or may hereafter become worthless or inappropriate for county libraries, and expend the moneys derived from such sales, or any other library funds, in the purchase of books for their respective libraries.

SEC. 3. All laws and parts of laws contravening the provisions of this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage: *Provided, That the provisions of this act shall not in any case extend to the county of Marion.*

## CHAPTER LII.

*An Act to amend an act, entitled, "An act to provide for the continuance of the construction of all or any part of the Public Works of this State, by private companies, and for abolishing the Board of Internal Improvements and the offices of Fund Commissioner and Chief Engineer," approved January 28, 1842.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the "Madison and Indianapolis Railroad Company," are hereby authorized and empowered, from time to time, to borrow money on the credit of the said company, to aid them in the constructing and repairing said road, or carrying on the operations of said company: and for that purpose may execute bonds or other contracts for the payment of the same in such manner, and payable at such times, and bearing such rate of interest, not exceeding the interest legally allowed by the laws of the State, where any such loan may be negotiated, as may be agreed upon by the parties: Provided, Such interest shall not exceed the rate of seven per cent. per annum.*

SEC. 2. The said company may at any time open books for the subscription and transfer of stock, in any city in the United States, under such terms and regulations as said company shall prescribe.

SEC. 3. The payment to the State of the portion of the net receipts of the said road, as required by law for the present year, shall be the only amount required of the said company to be so annually paid, for and during the term of eight years from and after the passage of this act: *Provided, That if the said company shall fail to complete the said road to Edinburgh within one year, and to Indianapolis within three years from the first day of July next, then the portion of the said net receipts to be paid to the State shall be ascertained, and paid, as if this act had not become a law.*

SEC. 4. After the expiration of the said term of eight years, the State, or any individuals or corporation, having the interest of the State in the part of said road finished by the State, shall forever have the right to a full share of the net receipts of said road, in proportion as the length of said part of the road, finished by the State, bears to the length of the whole road completed.

SEC. 5. No alteration, amendment, or repeal of the



altered, &c., for eighteen years. act under which said company was organized, so far as relates to said company, or the act passed to amend the same, or of this act, shall be made during the term of eighteen years from and after the first day of July next: after which period, amendments may be made, as in the eighty-fifth section of the said first act. Nor shall the State have the right to purchase the interest of said company, in said road, until after the expiration of twenty-three years from and after the first day of July next.

Differences to be settled by court, &c. SEC. 6. All matters of difference between the State and said company shall be decided by the proper court, as other cases are decided between individuals, and not otherwise.

Act to be in force from the filing assent of president, &c. in secretary's office, &c. SEC. 7. This act to take effect and be in force from and after the filing of the assent of the president and directors of said company in the office of the Secretary of State. And any part of the law under which said company was organized, coming within the purview of this law, be and the same is hereby repealed.

### CHAPTER LIII.

*An Act prescribing an uniform mode of ascertaining by Weight the quantity of the different kinds of Grain that shall pass for a standard Bushel in this State.*

[APPROVED JANUARY 13, 1845.]

Standard weights of grain, &c. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That sixty pounds of merchantable wheat, (avoirdupois weight) shall be given and taken in all contracts for that article, for a standard bushel; fifty-six pounds of merchantable rye shall be given and taken as a standard bushel; fifty-six pounds of merchantable corn shall be given and taken as a standard bushel; fifty-six pounds of merchantable flax seed shall be given and taken as a standard bushel; forty-eight pounds of merchantable barley shall be given and taken as a standard bushel; and thirty-three pounds of merchantable oats shall be given and taken as a standard bushel.

SEC. 2. That all the different kinds of grain and seed specified in the first section of this act, shall hereafter be given and taken at the several rates affixed to each, as the standard bushel; and as such, shall be considered a

legal tender to fulfil any contract hereafter made for the delivery of either of the kinds of grain and seed specified in this act.

SEC. 3. This act to take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

### CHAPTER LIV.

*An Act authorizing copies of State Documents to be furnished to the New York Historical Society.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Secretary of State be, and he is hereby authorized to furnish and forward to the New York Historical Society a copy of all the documents which may be published by order of the legislature, and also of any documents heretofore published, of which there may remain disposable copies.

SEC. 2. This act shall be in force from and after its passage.

### CHAPTER LV.

*An Act providing for the better collection of the Water Rents due the State.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the superintendent on the Wabash and Erie canal, or such officer as may have, for the time being, the charge of that work, between the first and twentieth day of May, and the first and twentieth day of November, in each year, to make out the accounts of each lessee of water power on said canal, and present the same to said lessee, or in case of his absence, to leave a copy thereof at his residence, or at the place where the water power is used,



which account shall specify the amount due from said lessee, for water rent, and shall contain a demand that the same be paid to said superintendent or officer, or to such person as he may direct, in twenty days after said account shall have been presented.

Lessee refusing to pay rent, &c. it may be collected with penalty of twenty-five per cent., &c.

SEC. 2. In case any such lessee of water power shall neglect or refuse to pay the amount due from him for water rent, within twenty days after the account shall have been presented, the amount so due may be collected from him with twenty-five per centum penalty, and interest thereon, at the rate of six per centum, from the time the same became due until paid.

Suits for rent to be brought in the name of the State, on relation of superintendent, &c.

SEC. 3. All actions which may be brought against any lessee of water power on said canal, for rent due the State, shall be in the name of the State of Indiana, on the relation of the superintendent or other officer having the superintendence of the said canal; and a statement in writing, under the hand of said superintendent or other officer, showing the amount due from such lessee, shall be *prima facie* evidence of the amount so due.

Common counts in debt sufficient in suits for rent &c.

SEC. 4. It shall not be necessary, in bringing any such suit, to declare upon the lease from the State to the person against whom suit is brought, but the common count or counts in debt shall be sufficient, and the lease may be read in evidence in support thereof.

Superintendent to employ counsel, &c.

SEC. 5. The said superintendent or other officer, having charge of said canal, is hereby authorized to employ counsel to prosecute any suit under this act, and to allow a reasonable compensation for such service, to be paid out of any moneys in his hand.

After notice, superintendent may declare lease forfeited, &c.

SEC. 6. Should the said superintendent or other officer be satisfied that any lessee of water power, has become insolvent, or unreasonably refuses to make payment of the amount due the State for water rents, it shall be his duty to declare the lease of such person forfeited, of which fact notice shall be given to said lessee or his agent, or attorney, or the person who may have charge of his business, and if after the receipt of said notice, the said lessee shall continue to use the privileges granted him by his lease, or shall suffer others to use it under his authority, he shall be subject to a fine of five dollars for every day he may use such privileges, to be recovered in an action of debt, in the name of the State of Indiana, before any justice of the peace of the proper county; which fine when collected, shall be paid over by such justice, as other fines for breaches of the law are directed to be paid.

Lessee subject to fine for using privileges, to be recovered before justice of peace, &c.

SEC. 7. In case the Secretary, Treasurer, or Auditor of State, or a majority of them, shall declare any lease on the northern division of the Central canal forfeited, (as they are hereby authorized to do in case of the failure of any lessee to pay the rent due within the twenty days after demand of payment shall have been made by the Auditor of State,) the same penalty shall attach to any lessee, who may use his privileges, after that period, as is prescribed in the preceding section.

After demand of payment, Secretary, Treasurer, and Auditor may declare contract forfeited, &c.

SEC. 8. In collecting the rents due from the lessees of water power on the northern division of the Central canal, the Auditor of State, shall perform the same duties enjoined upon the said superintendent in the first section of this act; and in case of failure on the part of any lessee on said canal to pay the amount due within twenty days after the demand made, the Auditor of State may proceed to collect the same with the penalty and interest mentioned in the second section of this act. Any suit brought by him shall be in the name of the State of Indiana, on the relation of the Auditor of Public Accounts, and in other respects shall be brought and conducted as is prescribed in this act for bringing and conducting suits by said superintendent.

Suits brought by Auditor of State shall be in the name of the State on his relation, &c.

SEC. 9. The said Auditor of State in conducting said suits, may employ counsel, and direct payment to be made for their services out of any money in the treasury not otherwise appropriated.

Auditor may employ counsel and pay them.

SEC. 10. This act to be in force from and after its passage.

## CHAPTER LVI.

*An Act to fix the time of holding Courts in the Tenth Judicial Circuit.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts of the tenth judicial circuit of said State shall hereafter be holden as follows, to-wit: In the county of Morgan on the first Mondays of March and September of each year; in the county of Brown on the Mondays succeeding the terms of the circuit court in the county of Morgan; in the

Tenth circuit.



county of Monroe on the Mondays succeeding the terms of the circuit court in the county of Brown; in the county Owen on the Mondays succeeding the terms of the circuit courts in the county of Monroe; in the county of Greene on the Mondays succeeding the terms of the circuit courts in the county of Owen; in the county of Daviess on the Mondays succeeding the terms of the circuit courts in the county of Greene; in the county of Martin on the Mondays succeeding the terms of the circuit courts in the county of Daviess; in the county of Lawrence on the Mondays succeeding the terms of the circuit courts in the county of Martin.

Writs, &c.

SEC. 2. All writs and notices that may have issued or been served before the taking effect of this act, in relation to any matters now pending or to be pending in any of the said circuit courts, are hereby made returnable to the first day of the next term of said courts, as fixed by this act: and all suits, recognizances, motions, rules, and other proceedings which at the time of the taking effect of this act shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were commenced, taken, or instituted.

Courts in the county of Lawrence.

SEC. 3. That the courts in the county of Lawrence may be holden two weeks or longer—not exceeding three weeks, if the business thereof require it.

SEC. 4. This act to take effect and be in force from and after its passage; and the Secretary of State is required to forward a copy thereof to the clerks of the several circuit courts of said counties immediately.

## CHAPTER LVII.

*An Act more effectually to enable Supervisors to open and keep in repair Public Highways.*

[APPROVED JANUARY 13, 1845.]

County commissioners to fix amount of road tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board of county commissioners in the several counties in this State, (which have not special laws for opening and repairing their roads,) at their March session

annually, to fix the amount of road tax for the current year, from the tax duplicate of the previous year.

SEC. 2. And it is hereby made the duty of the county auditor of such counties, in making out the tax duplicate for 1845, and annually, thereafter, to charge the road tax upon the assessment of the previous year, as fixed by the county boards, and make out and have ready for delivery to the several supervisors, by the first day of May, annually, a list of all persons in their respective districts, charged with a road tax, with the amount with which each individual is so charged, annexed to his name.

SEC. 3. Any law contravening the provisions of this Repeal act, be, and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its publication in the Indiana State Journal and Indiana State Sentinel.

## CHAPTER LVIII.

*An Act defining the mode of electing a Secretary of State.*

[APPROVED JANUARY 1, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the term of the Secretary of State is about to expire, it shall be the duty of the General Assembly, at their session last preceding the expiration of such term of service, to elect, by joint ballot of both Houses, on such day and at such place as they may agree upon, a suitable person to serve as Secretary of State for the State of Indiana, for the term to be occasioned by such vacancy.

SEC. 2. In all such elections, the President of the Senate shall preside: There shall be two tellers appointed by the President of the Senate, and two by the Speaker of the House of Representatives, in their Houses respectively, before they meet to conduct such election; and in voting, each member shall be called alphabetically, beginning with Senators; and when voting, it shall be the duty of the Secretary of the Senate, and Clerk of the House of Representatives, to attend, and take down the name of each person voting, and keep a tally of the votes received by each person voted for, as

Secretary to be elected by joint ballot of both Houses.

President of Senate to preside in election, &c.

Secretary of Senate and Clerk of House to keep and compare tally papers, &c., and if right, they



shall sign the same, &c.

After five ballots, President of Senate may adjourn election from day to day, &c.

Certificates of election to be given to persons elected by the President of the Senate and Speaker of House, &c.

Vacancies to be filled by Gov'r.

the tellers read the tickets; which tally papers they shall compare after the votes are counted out; and if they agree, they shall jointly sign each of them, and deliver them to the President of the Senate, who, together with the Speaker of the House of Representatives, shall examine them, and if any one person is elected, he shall, by the President of the Senate, be proclaimed duly elected Secretary of State; but if no person shall be elected, they shall continue to ballot until some person is elected; *Provided however*, That if after five ballots, there should be no choice, the President of the Senate may adjourn such election, from day to day during the session.

SEC. 3. No person shall be considered elected, unless he shall receive a number of votes equal to a majority of all the members voting.

SEC. 4. It shall be the duty of the President of the Senate and the Speaker of the House of Representatives, to certify to the Governor the person elected, who shall be commissioned accordingly.

SEC. 5. When any vacancy shall happen in said office, during the recess of the General Assembly, the Governor shall appoint a person to fill such vacancy, until the expiration of the next session of the General Assembly; and all elections to fill vacancies, shall be governed by the provisions of this act.

SEC. 6. This act to take effect and be in force from and after its passage.

## CHAPTER LIX.

*An Act relative to Official Bonds.*

[APPROVED JANUARY 13, 1845.]

Official bonds to contain additional provision.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all official bonds hereafter executed, shall contain in addition to what is now required by law, a provision authorizing the Legislature to change, modify, or repeal any law in force at the time of executing such bonds, and to enact any and all laws during the existence of such bond, at the pleasure of the Legislature, without in any way or manner releasing such officer, or his sureties on such bond.

SEC. 2. Such officer and his sureties, shall, in all things, be governed by such laws; and such bond shall be equally binding upon such officer and his sureties, as if such laws had been in force at the time of executing, and inserted in such bond. Officers and sureties bound by laws passed after bond executed.

SEC. 3. If any official bond shall be hereafter executed without the provision required by the first section of this act, such bond shall have the same force and effect, as if such provision had been inserted; and such officer and his sureties shall be governed by all laws which the Legislature may thereafter enact. Bond equally good without such additional provision.

## CHAPTER LX.

*An Act in relation to the proceedings in the Probate Courts.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever, in the progress of any cause in the probate courts of this State, the intervention of a jury shall become necessary, the court shall direct the sheriff to summon a jury of bystanders, and either party shall have the same right of challenging said jurors as in the circuit courts. Probate courts to empanel jury of bystanders.

SEC. 2. Said jurors shall receive the same compensation as is provided for jurors before a justice of the peace, and shall be paid by the party against whom the costs are taxed.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LXI.

*An Act in relation to Water Power on the Wabash and Erie Canal.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the superintendent of the Wabash and Erie canal, or such General superintendent of Wabash and Erie canal to ascertain



amount due for other officer as may have the charge of that work, to ascertain the amount due for water rents on said canal and report the same at the next session of the legislature specifying the name of each lessee, the amount due in each case; the quantity of power used, the price paid for each run of stones, the place at which the said power is used, the purpose for which used, and all such other information as said officer may deem useful or necessary.

Superintendent to furnish auditor of State information, &c.

SEC. 2. The said superintendent or other officer, as soon as he may collect the information above named shall furnish the Auditor of State with the same.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LXII.

*An Act to raise a Revenue for State Purposes.*

[APPROVED JANUARY 13, 1845.]

Tax of twenty cents on property, and fifty on poll.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That a tax of twenty cents on each one hundred dollars, of the value of all property entered in the general list for taxation, and a poll tax of fifty cents on each poll subject by law to taxation, shall be and is hereby authorized and directed to be levied for the current year, one thousand eight hundred and forty five; which tax shall be assessed and collected agreeable to law.

Fifteen cents for redemption of treasury notes.

SEC. 2. That fifteen cents on the above rate, on each one hundred dollars valuation of property liable to taxation, shall be, and the same is hereby directed to be set apart, and applied for the redemption of outstanding treasury notes.

Five cents and poll for State expenses.

SEC. 3. That five cents of the above rate, together with the poll tax, shall be applied to the payment of the ordinary expenses of the State government.

One cent for lunatic, five mills for deaf and dumb, two mills for blind, &c.

SEC. 4. That in addition to the above, there shall be levied and collected on each one hundred dollars of the value of all property entered for taxation as afore said, the following sums, to-wit: One cent for a lunatic asylum; five mills for a deaf and dumb asylum; and two mills for the education of the blind.

SEC. 5. In those counties in which no assessment was made by the county boards, for the purpose of raising the sum of one cent on each hundred dollars, for the erection of a lunatic asylum, as provided by the law of last session, it shall be the duty of the county board to order the assessment and collection of the same, with the taxes for the year 1845.

Board to order assessment, &c.

SEC. 6. So much of the law as requires the several county auditors of this State to enter in separate columns upon the tax duplicate, the deaf and dumb and lunatic asylum tax, be, and the same is hereby repealed; and it shall be the duty of the Treasurer of State to set apart from the gross amount of revenue collected and returned to his office, the amount contemplated by law for deaf and dumb and lunatic asylum tax, and tax for the education of the blind.

As to auditor, repealed.

Treasurer to set apart for deaf and dumb, &c.

SEC. 7. This act to be in force from and after its passage.

## CHAPTER LXIII.

*An Act in relation to Patents to Purchasers of Lands in the reserved townships in Gibson and Monroe, and of the Saline Lands.*

[APPROVED JANUARY 6, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the respective duty of the commissioners of the reserved townships in Gibson and Monroe, and the commissioners for the sale of saline lands, when full payment has been made by the purchaser or purchasers of any tract or tracts of land, to give to such purchaser or purchasers, two certificates for each of said tracts, specifying the name of the original purchaser, the name of the present owner, the amount paid for principal and interest respectively, and a description of the tract of land, as the same appears on their sale books. Said certificates shall be kept in numerical order, and the Auditor of Public Accounts shall furnish to each of said officers, such a form for said certificates, as the act requires, with such additions as may be deemed necessary.

Duty of Commissioners to give certificate.

Auditor of public accounts to furnish form, &c.

SEC. 2. Upon presentation of said certificates to the Auditor of State, it shall be his duty to compare the

Auditor of State to compare certi-



ificates with  
books, &c.

Secretary to  
issue patents,  
Governor to  
sign, &c.

Secretary to pre-  
pare books,  
keep register of  
patents.

This act to be in  
force.

Duty of record-  
ers of Monroe,  
Gibson, Brown,  
Orange, and  
Washington  
counties.

same with the books of his office relating to the sales of said lands, and if found correct, he shall file one copy in his office, and the other shall be by him countersigned and handed to the Secretary of State.

SEC. 3. Upon the filing of the countersigned certificate in the office of the Secretary of State, it shall be the duty of that officer, without any fee therefor, to prepare a patent for said tract of land, to be signed by the Governor, and attested by said Secretary of State.

SEC. 4. The Secretary of State shall prepare a proper register, in which shall be kept a list of all patents issued, specifying the date of the patent, name of original purchaser, name of patentee, the particular tract of land so patented, and the amount paid for principal and interest respectively.

SEC. 5. This act to take effect and be in force from and after the first day of January next: and the Secretary of State shall forward a certified copy thereof to each of said commissioners.

SEC. 6. The recorders of the counties of Monroe, Gibson, Brown, Orange, and Washington, are hereby authorized and required, on presentation, to record all such deeds among the records of their respective offices for the fee allowed by law, which records, and transcripts thereof, shall have the same effect as in other cases.

## CHAPTER LXIV.

*An Act relative to proceedings upon Writs of ad quod damnum.*

[APPROVED JANUARY 13, 1845.]

Notice to be  
served, as other  
process.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the notice required by the one hundredth section of the fifth article of the forty-eighth chapter, of the Revised Statutes, to be served upon the proprietor of the land proposed for the abutment, or his agent, may and shall be served, whenever such person interested, or his agent, may be within this State, as process is served in other cases.

Notice to non-  
residents, by  
publication on  
affidavit filed,  
&c.

SEC. 2. Upon proof made by the affidavit of a disinterested person, filed in the office of the clerk of the circuit court where such proceedings are pending, that

such proprietor is a non-resident of the State of Indiana, notice as aforesaid shall and may be given by advertising the same in some public newspaper of general circulation, printed and published in the county in which such proceedings are pending, if such there be, and if not, then in the newspaper nearest thereto, for three weeks successively, at least sixty days prior to the holding of such inquest.

SEC. 3. The notice required by the sheriff of the proper county, by the one hundred and second section of the article and chapter aforesaid, shall be served as before provided.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER LXV.

*An Act defining the duties of Petitioners for the formation of New Counties.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, when any person or persons shall be desirous of petitioning the legislature for the formation of a new county, out of one or more counties, or to take a piece off one county and attach to another, it shall be the duty of said petitioners, or any one of them, to give notice of the same, at least ninety days previous to the meeting of the next legislature, in some newspaper published in said county or counties, if any there be, and if no newspaper be published in said county or counties, then by written advertisement, posted up in the clerk's office of each county.

SEC. 2. It shall further be the duty of said petitioners, or any two of them, to make out and forward with said petition or petitions, an affidavit duly authenticated, stating that notice required by this act was given, and [in] what manner the said notice was given, whether by publication in a newspaper or written advertisement.

SEC. 2. This act to take effect and be in force from and after its passage.

Affidavit of  
notice to be  
forwarded, &c.



## CHAPTER LXVI.

*An Act to authorize Special Session of the Boards of County Commissioners.*

[APPROVED JANUARY 13, 1845.]

County auditor may call special session of the board of commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several county auditors in this State may call special sessions of the boards of county commissioners in their respective counties, whenever they may deem it for the interest of their respective counties to do so, by giving notice, in writing, specifying the purpose for which they are called together, to each of said commissioners, which notice the sheriff is hereby required to serve.

Commissioners shall meet and transact business.

SEC. 2. Upon receiving such notice, it shall be the duty of said commissioners to meet at the time appointed therein, and transact the business for which such special session was called.

## CHAPTER LXVII.

*An Act to provide for the Binding of the Laws and Journals.*

[APPROVED JANUARY 13, 1845.]

Auditor, &c. to contract for folding, &c. laws, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Auditor, Treasurer, and Secretary of State, to contract for the folding and binding of the Laws and Resolutions, and Journals, in the form and manner prescribed by law; and it shall be their duty, further, to advertise for bids, in the month of January, 1845, and in the month of November, annually, thereafter;—and the contract shall be given to the lowest responsible bidder.

Contractor to give security, &c.

SEC. 2. The successful bidder shall be required to give security in the penal sum of two thousand dollars, for the faithful performance of his contract, subject to the approval of said Auditor, Treasurer, and Secretary of State.

Performance to be certified by officers and paid for, &c.

SEC. 3. The amount of said contract, after the work shall have been inspected, and approved by said Auditor,

Treasurer, and Secretary of State, shall be certified to by them, on which certificate the Auditor shall give his warrant, and the Treasurer of State shall pay the same out of any moneys in the treasury not otherwise appropriated.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER LXVIII.

*An Act making General Appropriations for the year 1845.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be appropriated, for the purpose of meeting the expenses of the year 1845, for the General Assembly, twenty-five thousand dollars; for the executive officers, four thousand three hundred dollars; for the supreme and circuit judges, and sheriff of the supreme court, fifteen thousand three hundred dollars; for prosecuting attorneys, one thousand eight hundred and fifty dollars; for conveying convicts to State prison, one thousand six hundred dollars; for specific appropriations, five thousand dollars; for contingent expenses of governor, one thousand dollars; for probate judges, three thousand five hundred dollars; for public printing and distributing laws, seven thousand dollars; for stationery for printing and public offices, two thousand dollars; for salaries of adjutant and quarter-master generals, two hundred dollars; for State library, three hundred dollars; for salary of State librarian, two hundred dollars; for the erection of the new State prison, ten thousand dollars.

SEC. 2. That the sums respectively assessed by the revenue law of this session for the benefit of the lunatic and deaf and dumb asylums, and for the blind, be and the same are hereby appropriated to be expended under the respective laws on such subjects.

SEC. 3. This act to be in force from and after its passage.

Amounts appropriated for the payment of the officers of State therein named.

Appropriations for lunatic, deaf and dumb asylums, and for the blind, to be applied, &c.



## CHAPTER LXIX.

*An Act to amend an act entitled "An act to establish an Asylum for the education of Deaf and Dumb persons in the State of Indiana," approved January 15, 1844.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Governor of the State of Indiana annually to appoint five trustees in lieu of those constituted by the act to which this is an amendment, a majority of whom shall constitute a quorum to do business.

SEC. 2. None of the acts of the present board shall be illegal for the want of a full attendance where a majority of said board were present.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER LXX.

*An Act to authorize Plaintiffs to collect the bid of Purchasers at Sheriffs' and Constables' sales, and to repeal the four hundred and twenty-ninth section of the fortieth chapter of the Revised Statutes of 1843.*

[APPROVED JANUARY 10, 1845.]

Bidders at sales under execution may be proceeded against by motion and compelled to pay the amount of their bid with ten per centum thereon, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any property, real or personal, shall be sold by virtue of any execution, and the purchaser or purchasers thereof shall fail or refuse to pay the purchase money, he shall be liable on motion by the officer making such sale, or the plaintiff or plaintiffs in such execution, in the court out of which such execution issued, five day's notice of such motion having been given, to a judgment for the amount of the purchase money, and ten per centum damages thereon, together with the costs of said motion, and no stay of execution shall be allowed on such judgment.

SEC. 2. Section four hundred and twenty-nine, of chapter forty, be, and the same is hereby repealed.

## CHAPTER LXXI.

*An Act directing the Superintendent of the New Albany and Vincennes Road, to report to the Auditor of State, and authorizing the auditing of Reports heretofore made to the Treasury.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall hereafter be the duty of the superintendent on the New Albany and Vincennes road, to make to the Auditor of State, all the reports required to be made, according to the provisions of "an act to reduce the tolls on the New Albany and Vincennes road, and for other purposes," approved January 13, 1844; and that so much of said act as requires said reports to be made to the Treasurer of State, is hereby repealed.

SEC. 2. All the reports heretofore made by said superintendent to the Treasurer of State, shall be filed by said treasurer in the office of the Auditor of State; and said superintendent shall be charged on the books of the auditor's office, with the moneys received by him as such superintendent, and credited with the amount legally expended, in the same manner as if such reports had been originally made to the Auditor of State.

SEC. 3. That hereafter the Auditor of State shall make settlement with the said superintendent, in the same manner as he is authorized to make settlement with the superintendent on the Wabash and Erie canal.

## CHAPTER LXXII.

*An Act reviving and amending a certain act, entitled, "An act to compel Speculators to pay a Road Tax equal to that paid by actual Settlers," approved January 31, 1842.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the provisions of said act, so far as the same applied to the counties of Noble, Lagrange, Dekalb, Steuben, Kosciusko, Allen, Hunting-



ton, Wells, and Whitley, be, and the same are hereby revived and extended to the county of St. Joseph.

Capital of merchants, &c. taxed fifteen cents for road purposes, and may be worked out.

SEC. 2. All capital employed by merchants, millers, and manufacturing companies, subject to taxation for State and county purposes, in the county of St. Joseph, shall be taxed fifteen cents on every one hundred dollars so employed, for road purposes; which tax may be worked out under the direction of the proper supervisors of the road districts in which the tax is laid, at the rate of one dollar per day, on or before the first day of November of each year; and if not so worked out, shall be collected and paid over and expended as provided in the first section of the above recited act.

SEC. 2. This act to take effect and be in force from and after its passage; and it shall be the duty of the Secretary of State to forward a copy thereof to the auditor of St. Joseph county.

## CHAPTER LXXIII.

*An Act to provide for the procuring a suitable Site for the erection of a State Lunatic Asylum.*

[APPROVED JANUARY 13, 1845.]

Appointment of commissioners to purchase land for site.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Evans, Livingston Dunlap, and James Blake, be, and they are hereby appointed a board of commissioners to select and purchase such a tract of land, not exceeding two hundred acres in quantity, as may be most suitable, in regard to health and convenience, for the location of a State lunatic asylum.

Conveyance of land to be made to the State.

SEC. 2. The conveyance of said land shall be made to the State of Indiana in fee simple, clear of all encumbrances; and on the execution and delivery of said conveyance, said commissioners, being satisfied that no incumbrance exists on said land, shall draw their warrant on the Treasurer of State for the amount of the purchase money; which warrant shall be received and paid by said treasurer, out of the fund raised for that purpose, not to exceed six thousand dollars.

Treasurer to pay any sum not exceeding \$6,000 for land.

Commissioners to receive subscriptions, &c.

SEC. 3. That said commissioners be authorized to receive subscriptions and donations, for the purpose of erecting suitable buildings and improvements for the pur-

pose contemplated by this act, and that they be authorized to correspond with suitable individuals in any part of the United States, for the purpose of acquiring information as to the best plan for building, and the best mode of managing an asylum for lunatics; and also to advertise for and receive plans and specifications, together with proposals for the erection of suitable buildings for such purpose, to be commenced at such time during the year 1846, as the legislature shall direct.

Commissioners to correspond, advertise, &c.

SEC. 4. That said commissioners shall make report of their proceedings under this act, together with the whole or such portions of their correspondence as may contain valuable information, and said plans, specifications, and proposals, at the next meeting of the legislature of this State.

Commissioners to make reports to legislature.

SEC. 5. That said commissioners shall receive no other compensation than for actual expenses reasonably incurred by them in pursuance of the provisions of this act.

Commissioners not to receive compensation except for expenses, &c.

SEC. 6. The aforesaid commissioners shall serve as such for the term of two years; and before entering upon the duties of their office, they shall be required to take an oath to faithfully perform all the duties required of them by this act, and shall have power to fill any vacancy in the board which may occur by death, resignation, or refusal to serve.

Commissioners to serve two years, take oath, fill vacancies, &c.

SEC. 7. This act to take effect and be in force from and after its passage.

## CHAPTER LXXIV.

*An Act to amend an act, entitled, "An act regulating the time of holding Courts in the County of Tippecanoe," approved January 15, 1844.*

[APPROVED JANUARY 8, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Tippecanoe circuit court, at the February term thereof, shall sit eighteen days, if the business thereof require it; at the June terms thereof, the said court shall sit twelve days, if the business require it, and no longer.

Tippecanoe circuit court to sit eighteen days at the February term.



Fall term probate court to commence.

SEC. 2. The fall terms of the probate court of said county shall commence on the third Monday in November in each and every year.

Repeal.

SEC. 3. So much of the act to which this is an amendment, as conflicts with the provisions of this act, be repealed.

SEC. 4. This act to be in full force from and after its passage; and the Secretary of State is required to forward a copy thereof to the clerk of said court.

## CHAPTER LXXV.

*An Act providing for the distribution of the Saline and Bank Tax Funds among the several Counties in this State.*

[APPROVED JANUARY 13, 1845.]

Funds to be distributed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all funds which have arisen or may arise hereafter from the sale of saline lands in this State, and all funds that have accrued or may hereafter accrue, under the fifteenth section of the bank charter, shall be distributed among the several counties in this State for the purpose of common school education.

Auditor and treasurer of State to ascertain amount of funds to be distributed.

SEC. 2. It shall be the duty of the Auditor of Public Accounts and the Treasurer of State to ascertain from the books of their respective offices, the amount of each of said funds in the treasury on the first day of March in each year, and to distribute the same among the several counties in this State, according to the number of taxable polls last returned from each county to the office of said auditor.

Duty of county auditors.

SEC. 3. It shall be the duty of each county auditor in this State, to issue an order to the Auditor of Public Accounts in favor of the treasurer of said county, requiring said Auditor of State to issue a warrant in favor of said county treasurer for the amount of said funds which may be coming to said county under the provisions of this act, which said order of the county auditor shall be in writing, with the seal of his office affixed.

Auditor to distinguish between funds.

SEC. 4. The Auditor of State, in issuing warrants for the payment of said funds to the respective county treasurers, shall distinguish between payments on account of the saline funds and those made on account of

the bank tax fund; and the county auditors, in making loans of said funds, shall be careful to make a proper distinction, so that the amount belonging to each fund can at any time be readily ascertained.

SEC. 5. It shall be the duty of the Auditor of State, upon the issuing of the warrants as above, immediately to certify to the respective county auditors the amount audited in favor of the county treasurer, on account of the saline fund and bank tax fund respectively, which said certificate shall be conclusive evidence in all suits against said treasurer, of the amount by him received under the provisions of this act; and the several counties shall be held liable to the inhabitants of the respective congressional townships, for the preservation of any portion of such funds as may come into their respective treasuries by virtue of this act, and for the payment of the annual interest thereon at the rate established by law.

SEC. 6. As soon as the moneys arising from said fund shall come into the county treasury, it shall be the duty of the officers having the control or management of the common school funds in each county to loan out the same under the same rules and regulations as are now prescribed or may hereafter be prescribed by law for loaning the common school funds, and the interest arising from such loans shall be distributed among the townships, and applied as other common school funds are.

SEC. 7. In no case shall a loan from any of the common school funds be made, unless the right of dower, wherever it exists, shall have been surrendered in manner and form as prescribed by law.

SEC. 8. It shall be the duty of the Auditor of State to forward to each county auditor the form of mortgage heretofore used by him in making loans of said funds, which form shall be followed by the county auditor as nearly as may be.

SEC. 9. All loans which may hereafter be made of any of the common school funds, shall be made without reference to the valuation laws now in force; but the premises mortgaged may be sold, and the promissory note given by the mortgagor may be sued on, the amount due collected, in the same manner as if the present valuation laws had not been passed.

SEC. 10. The compensation to be allowed to the county auditor and county treasurer, respectively, for their services in managing the common school funds of their respective counties, shall hereafter be one half of



one per centum upon the amount paid out, and a like per centum upon the amount received from borrowers but no per centage shall be allowed on the payment made under this act from the State treasury.

County auditors may administer oaths, take acknowledgments, &c.

SEC. 11. The county auditors shall respectively have the power to administer all oaths required by law in making loans of the common school funds, and may take acknowledgments of the mortgages executed by the borrowers of any of said funds, for which services they shall receive such compensation as is now allowed by law to persons administering oaths and taking acknowledgments of conveyances.

Repeal.

SEC. 12. All laws contravening the provisions of this act, be, and the same are hereby repealed.

SEC. 13. This act to take effect and be in force from and after its passage; and it shall be the duty of the Secretary of State to have the same immediately published in the Indiana State Journal and Indiana State Sentinel, one of which papers, containing said publication shall be forwarded to each county auditor in this State, and the other he shall transmit to each county treasurer.

## CHAPTER LXXVI.

*An Act relative to the fall term of the Circuit Courts in the Twelfth Judicial Circuit, and for other purposes.*

[APPROVED DECEMBER 26, 1844.]

Times of holding courts in twelfth circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fall terms of the circuit courts in the twelfth judicial circuit, shall hereafter be held as follows: In the county of Adams on the last Monday but one in August; in the county of Wells on the last Monday in August; in the county of Huntington on the first Monday in September; in the county of Whitley on the Thursday succeeding the court in Huntington in the county of Noble on the third Monday in September; in the county of Lagrange on the fourth Monday in September; in the county of Steuben on the Monday succeeding the court in Lagrange; and in the county of Dekalb on the Monday succeeding the October term of the Allen circuit court.

SEC. 2. The fall terms of the court in the counties of Adams, Wells, Noble, and Lagrange, shall each continue six days, if the business thereof requires it; and in the county of Huntington nine days; in the county of Whitley three days; and in the county of Steuben twelve days, if the business thereof requires it.

Time courts to sit in certain counties.

SEC. 3. That all acts or parts of acts, allowing or providing any particular mode of summoning grand and petit jurors in any of the counties composing the twelfth judicial circuit, shall be, and the same are hereby repealed: *Provided, however*, That nothing in this section shall be so construed as to repeal any portion of an act, entitled, "an act to regulate the practice of law in the Allen circuit court, and for other purposes," approved January 15, 1844, as provides for the mode of summoning grand and petit jurors in the county of Allen.

Mode of summoning jurors repealed.

SEC. 4. In the county of Allen no costs shall be taxed upon special demurrers, unless the same shall be overruled.

Costs in Allen.

SEC. 5. The clerk of the Allen circuit court shall provide three order books; one for common law causes, one for chancery causes, and one for entering all causes of naturalization.

Clerk to provide books, &c.

SEC. 6. This act shall take effect and be in force from and after its passage, and shall be published in the Fort Wayne Sentinel and Fort Wayne Times.

## CHAPTER LXXVII.

*An Act making Specific Appropriations for the year 1845.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day for each day they may have served as such during the present session. And that such assistants as may have been employed by any of the aforesaid secretaries or clerks, under an order of either branch of the General Assembly, shall each be allowed three dollars per day, while so employed, to be

Secretaries of the Senate.

Clerks of the House.



certified by the president of the Senate and speaker of the House of Representatives, respectively.

Door keeper.

Assistant door keepers.

James S. Jelly.

John H. Roberts.

Edwin T. Peck.

Benj. Cornelius.

Edward R. May.

H. Bates.

Secretary of Senate.

Clerk of House.

Wm. H. English.

A. Bird.

J. E. Kingsbury.

Witnesses before the committee on elections of the House of Representatives.

SEC. 2. That the door keeper of the Senate, and the sergeant-at-arms, and door keeper of the House of Representatives shall each be allowed the sum of three dollars per day for their services. And that the assistant door keepers of the Senate and House of Representatives shall each be allowed the sum of three dollars per day for their services.

SEC. 3. That James S. Jelly, clerk of the committee on elections, of the House of Representatives, be allowed twenty-eight dollars for his services on said committee.

SEC. 4. That John H. Roberts be allowed seventy dollars for nineteen days' services and expenses in inspecting the work on the new State prison.

SEC. 5. That Edwin T. Peck be allowed fifty-nine dollars for fifteen days' services and expenses, in inspecting the work on the new State prison.

SEC. 6. That Benjamin Cornelius be allowed the sum of thirty-seven dollars, for nine days' services and his expenses, inspecting the new State prison.

SEC. 7. That Edward R. May, administrator of the estate of James McConnel, late of Steuben county, be allowed the sum of ninety-six dollars, for services and expenses in March, 1844, in executing a commission of the Governor, in taking one Silas Doty, a fugitive from justice from the State of Michigan, to the county of Steuben, in this State.

SEC. 8. That H. Bates be allowed the sum of twenty eight dollars, for articles provided for the furnishing of the State house.

SEC. 9. That the principal secretary of the Senate be allowed the usual sum (fifty dollars,) for making out the index to the Journal of the Senate for the year 1844-'45; and the principal clerk of the House of Representatives be allowed the like sum, for making out the index to the House Journal for the year 1844-'45.

SEC. 10. That William H. English be allowed three dollars per day for his services as clerk of the committee of ways and means.

SEC. 11. That A. Bird be allowed twelve dollars and eighty cents, for sundries furnished the present session.

SEC. 12. That John E. Kingsbury be allowed five dollars, for services performed the present session, in repairing the clocks of the State house.

SEC. 13. That for their services as witnesses before the committee on elections, of the House of Representatives, at its present session, the following persons be

allowed as follows, to-wit: William L. Shields, Sipple Harvey, John S. Yocum, Delana R. Eckels, Thomas Harvey, George Pinckney, John M. Melton, John S. Beam, and Missourie Sutton, the sum of twenty-two dollars each. Jehu Johnson, John Sala, and Delana E. Williamson, twenty-four dollars each. Samuel M. Dyer eighteen dollars. Dorsey O. Elliott, twenty-six dollars. Thomas E. F. Barnes and Amos W. Laycock, twenty dollars each. John Williams and Athol Staggs, twelve dollars each. John Osborn thirty-two dollars. Charles C. Modesitt and Nathan Burchfield, thirty-six dollars each.

SEC. 14. That Tomlinson Brothers be allowed eight dollars and fifteen cents, for sundries furnished for House Representatives during the present session. Tomlinson & Brother.

SEC. 15. That C. B. Davis be allowed thirty-three dollars and forty-four cents, for stationery, &c., furnished for the use of the officers of the State. C. B. Davis.

SEC. 16. That the Secretary of State make the allowance for a register of patents for lots in Indianapolis, furnished his office, under the seventh section of an act approved January 15, 1844, (page 104, General Laws of 1844.) Secretary of State.

SEC. 17. That Peck & Willard be allowed eighteen dollars and ninety-four and one half cents for goods furnished for House during the present session. Peck & Willard.

SEC. 18. That Weaver & Williams be allowed one dollar and twenty-five cents for services, in repairing locks in State house; and also, thirty dollars for coffin for the Hon. Jared Darrow, deceased. Weaver & Williams.

SEC. 19. That James Pollett be allowed eight dollars for services, in fitting up State house, prior to the commencement of the present session. James Pollett.

SEC. 20. That M. S. Ward be allowed four dollars and fifty cents, for services performed for the judiciary committee. M. S. Ward.

SEC. 21. That S. Henderson, postmaster, be allowed the sum of twenty-six dollars and fifty-two cents, for the postage on communications addressed to the President of the Senate, and Speaker of the House of Representatives. S. Henderson, Post Master.

SEC. 22. That the persons employed in splitting and drawing up wood during the present session, be allowed one dollar and fifty cents per day, while so employed. Wood splitters.

SEC. 23. That William Stacy be allowed the sum of seventy-seven dollars and fifty cents, for services in binding the Revised Statutes, and pressing the sheets thereof, and for enveloping and stitching a public document of the State. William Stacy.



- H. Bassett. SEC. 24. That H. Bassett, clerk of the United States district court, be allowed fifty-eight dollars and twenty six cents, in the case of the State *vs.* Miller et al.
- W. T. Hatch. SEC. 25. That W. T. Hatch be allowed twenty-five dollars, for one hundred copies of the Western Spectator, furnished the House of Representatives the present session.
- S. V. B. Noel. SEC. 26. That S. V. B. Noel be allowed the sum of two hundred and fifteen dollars for two copies of the Tri-Weekly Journal, furnished each of the members and officers of the House of Representatives the present session; and, also, three hundred and twenty dollars for papers furnished the Senate.
- S. P. Daniels. SEC. 27. That Samuel P. Daniels be allowed fifteen dollars, for keeping fires in the State house previous to the commencement of the present session.
- Union Grave Yard. SEC. 28. That the proprietors of the Union grave yard be allowed ten dollars, for lot No. 116, in which the Hon. Jared Darrow, deceased, is buried, which lot is to remain the property of the State.
- Harvey Nutting. SEC. 29. That Harvey Nutting be allowed twenty three dollars and twenty-two cents, it being the amount paid by the said Nutting, as penalty and interest for non-payment of land taxes for the year 1838, to be credited to him in future payments for land taxes in the county where the land lies.
- Wm. S. Roberts. SEC. 30. That William S. Roberts, of Brown county, be allowed three dollars and fifty cents per day, for seventeen day's services, in summoning witnesses to appear before the committee on elections, in the case the contested seat of the member from Clay county; also twenty dollars for his travelling expenses.
- Doct L. Dunlap. SEC. 31. That Doct. L. Dunlap be allowed the sum of five dollars, for medical attendance upon the Hon. Jared Darrow.
- Alvord & Ream. SEC. 32. That Alvord & Ream be allowed the sum of eleven dollars and fifty cents, for services rendered the House during the sickness, and at the funeral of the Hon. Jared Darrow.
- Hall & Hubbard. SEC. 33. That Hall & Hubbard be allowed the sum of five dollars and thirty-seven cents, for merchandize furnished for the funeral of the Hon. Jared Darrow.
- Widow of Jared Darrow. SEC. 34. That the widow of the Hon. Jared Darrow be allowed the sum of one hundred and sixty dollars for *his* mileage and service as a member of this House.
- Hupp & Wood. SEC. 35. That Abram Hupp and John Wood be allowed the sum of five dollars each, for attendance upon the Hon. Jared Darrow, deceased.

- SEC. 36. That G. A. & J. P. Chapman be allowed five hundred and thirty-two dollars, for six hundred and thirty-two Tri-weekly Sentinels, furnished for the Senate and House of Representatives the present session; and also thirty dollars for translating Governor's message into the German language.
- SEC. 37. That Michael Shea be allowed fifteen dollars for services, in keeping in order the privies the present session; and also two dollars and fifty cents per day for his services, in keeping in order committee rooms and lower hall.
- SEC. 38. That the Treasurer of State be allowed four hundred and thirty-nine dollars, for various payments made on account of State house and State property, upon his filing the proper vouchers therefor, with the auditor.
- SEC. 39. That the Treasurer of State, as treasurer of the board of Trustees of the deaf and dumb asylum, be allowed for expenses incurred as follows, to-wit: For house rent for asylum, three hundred dollars; for furniture, stationery, and repairs, one thousand and twelve dollars. Also, that there be appropriated to the teacher employed by said trustees, eight hundred dollars for the present year, payable quarterly; and also, for steward and matron, not exceeding fifteen hundred dollars, to be paid according to the terms agreed upon by said trustees. All of which sums, together with all further necessary incidental expenses incurred on account of said asylum, shall be paid out of the tax collected and appropriated for deaf and dumb asylum.
- SEC. 40. That Henry W. De Puy be allowed the sum of nineteen dollars and eighty cents, for papers furnished for the use of the members the present session.
- SEC. 41. That the sum of one hundred dollars is here- by appropriated, to be expended under the direction of the Auditor of State, for repairs on the house in the Governor's circle, and for the preservation of the fence and shrubbery.
- SEC. 42. That the quarter master general be allowed twenty dollars for office rent of the adjutant general.
- SEC. 43. That Michael Lannegan be allowed five dollars, for services as assistant door keeper, at the commencement of the present session.
- SEC. 44. That Charles Nutmeyer be allowed two dollars, for services performed at the funeral of the Hon. Jared Darrow.
- SEC. 45. That William Burd be allowed the sum of six dollars, for services rendered the House at and preparatory to the funeral of the Hon. Jared Darrow.



Fred. Voigt.

SEC. 46. That Frederick Voigt be allowed the sum of twelve dollars and fifty cents, for five days' services, rendered as assistant door keeper, at the commencement of the present session.

C. B. Davis.

SEC. 47. That C. B. Davis be allowed the sum of forty-one dollars and fifty cents, for stationery, &c., furnished for the use of the Senate during the present session. And the further sum of eight dollars, for letter paper furnished for the use of the Senate at the last session.

Tomlinson &amp; Brother.

SEC. 48. That Tomlinson & Brother be allowed the sum of ten dollars and fifty-six cents, for sundry articles furnished for the use of the Senate during the present session.

Ogden &amp; Magie.

SEC. 49. That Ogden & Magie be allowed the sum of fifteen dollars and twelve cents, for crape and other articles, furnished for the use of the Senate during the present session.

J. W. Yandes.

SEC. 50. That J. W. Yandes be allowed the sum of fifty cents, for articles furnished for the use of the Senate at the present session.

S. Wainwright.

SEC. 51. That S. Wainwright be allowed the sum of twenty cents, for a lamp filler, furnished for the use of the Senate at the present session.

David George.

SEC. 52. That David George be allowed the sum of sixty-eight and three-fourth cents, for articles furnished for the use of the Senate during the present session.

R. C. Allison.

SEC. 53. That R. C. Allison, assistant door keeper of the Senate, be allowed five dollars, for the rent of a bed during the present session.

Samuel Hall.

SEC. 54. That Samuel Hall be allowed the sum of five dollars for two days' services, as assistant door keeper to the Senate, at the commencement of the present session.

John H. Cook.

SEC. 55. That John H. Cook be allowed the sum of twelve dollars and fifty cents, for services as special prosecutor in Jay county, at the November term, 1843; and that the said John H. Cook be allowed the further sum of twelve dollars and fifty cents, for services as special prosecutor at the November term of the Blackford county circuit court, in the year 1843.

John Mikel.

SEC. 56. That John Mikel be allowed the sum of seventeen dollars and fifty cents, for work done in preparing the Senate chamber at the commencement of the present session.

A. Bird.

SEC. 57. That A. Bird be allowed the sum of seventeen dollars and ninety cents, for sundry articles furnished for the use of the Senate at the present session.

SEC. 58. That John Bishop be allowed the sum of fifteen dollars, for eight days' services in preparing the Senate chamber, in accordance with a resolution passed on that subject.

SEC. 59. That Edward C. Doran, for services rendered in organizing the Senate at the commencement of the session, be allowed the sum of five dollars.

SEC. 60. That Charles Hess shall be allowed two dollars for one days' services as assistant door keeper, at the commencement of the present session.

SEC. 61. That N. B. Palmer, late Treasurer of State, make the allowance to the late auditor, contemplated in the thirty-sixth section of the specific appropriation act of last year.

## CHAPTER LXXVIII.

*An Act to abolish the office of County Auditor in the County of Tipton.*

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the office of county auditor be, and the same is hereby abolished, in the county of Tipton.*

SEC. 2. The duties heretofore required to be performed by the county auditor of the county of Tipton, shall in all things be performed and exercised by the clerk of said county, in the same manner, and subject to the same liabilities, and invested with the same powers, that by law now is required of and bestowed upon the county auditor.

SEC. 3. It shall be the duty of the above named clerk, to give an additional bond, to be approved of by the county board of the said county, conditioned for his faithful performance, as is required by law.

SEC. 4. It shall be the duty of the board doing county business, to allow their clerk any sum not exceeding one hundred and fifty dollars, for the services required of him by the provisions of this act.

SEC. 5. All laws, and parts of laws, which allow the auditors twelve and a half cents for the transfer of deeds



be, and the same is hereby repealed, so far as the county of Tipton is concerned.

SEC. 6. This act to take effect and be in force from and after its passage; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

## CHAPTER LXXIX.

*An Act to abolish the office of County Auditor in the County of Orange.*

[APPROVED JANUARY 13, 1845.]

Office abolished. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of auditor of Orange county be, and the same is hereby abolished.

Clerk to perform duties. SEC. 2. That the duties heretofore performed by the county auditor of Orange county, be hereafter performed by the clerk of the circuit court of Orange county.

Allowance to clerk. SEC. 3. That the board of commissioners of the county of Orange shall annually allow the clerk of the circuit court one hundred and fifty dollars annually, which shall be in full for his services for performing the duties of said county auditor, who shall perform all the duties of said office now provided by law: *Provided*, That nothing in this act shall be so construed as to interfere with the perquisites now allowed by law, so far as they are authorized to be paid by individuals.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER LXXX.

*An Act fixing a certain annual compensation to the Auditor of Hamilton County.*

[APPROVED JANUARY 13, 1845.]

County board to make allowance to auditor. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Hamilton county shall annually allow the auditor of said

county any sum not exceeding three hundred dollars, which shall be in full for his services as such auditor, who shall perform all the duties of said office as now required by law.

SEC. 2. All laws and parts of laws allowing the auditor twelve and a half cents for the transfer of deeds, be, and the same are hereby repealed, so far as the county of Hamilton is concerned.

SEC. 3. This act to take effect and be in force from and after its passage; and all laws conflicting with the provisions of this act, are hereby repealed.

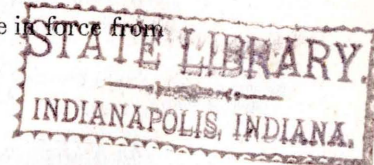
## CHAPTER LXXXI.

*An Act authorizing the election of a County Auditor in Clay County.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of the county of Clay be, and they are hereby authorized, at the next general election, to elect a county auditor in and for said county, in the same manner, and subject to the same provisions, limitations and restrictions that they might or could have done if they had the requisite number of the qualified voters in said county.

SEC. 2. This act shall take effect and be in force from and after its passage.



## CHAPTER LXXXII.

*An Act providing for the Fees of Auditor of Hancock county.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Hancock, be, and they are hereby authorized and required to make such allowance, out of the county treasury of said county, to the auditor of said County board to make allowance.



county, for his services in doing county business, as to them shall seem just and reasonable: *Provided*, The same shall not be a less sum than one hundred and fifty dollars.

SEC. 2. This act to be in force from and after its passage.

### CHAPTER LXXXIII.

*An Act allowing additional Compensation to the Auditor of Monroe county.*

[APPROVED JANUARY 13, 1845.]

County board to make allowance.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of Monroe county, are hereby authorized and required to make such allowance to the auditor of said county from time to time for his services, in addition to his present salary, as they, in their discretion, shall deem just and reasonable.

SEC. 2. This act to be in force from and after its passage.

### CHAPTER LXXXIV.

*An Act limiting the Fees of Auditor in the county of Marshall.*

[APPROVED JANUARY 13, 1845.]

County board, to make allowance.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Marshall, be, and they are hereby authorized and required to allow the county auditor of said county, out of the county treasury of said county, any sum not less than two hundred and fifty dollars, and not exceeding three hundred dollars for his services as such auditor, in doing county business in any one year: *Provided however*, That the said auditor shall receive the sum of two dollars per day for all time necessarily

employed in the posting of the books and records of the office of said auditor, up to the first day of January, 1845.

SEC. 2. All laws contrary to the provisions of this Repeal. act, be, and the same are hereby repealed, so far as the same may apply to the county of Marshall.

SEC. 3. This act to be in force from and after its passage.

### CHAPTER LXXXV.

*An Act abolishing the office of County Auditor in the county of Blackford.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of county auditor be, and the same is hereby abolished in the county of Blackford. Office abolished.

SEC. 2. The duties heretofore required to be performed by the county auditor of said county, named in the first section of this act, shall in all things be performed and exercised by the clerk of the circuit court of said county, in the same manner, and subject to the same liabilities and entrusted with the same powers that by law now is required of and bestowed upon county auditors. Clerk to perform duties.

SEC. 3. It shall be the duty of the above named clerk, before entering on his duties, as is required in the second section of this act, to give an additional bond, to be approved of by the county board of said county, conditioned for the faithful performance of the duties hereby enjoined, as is required by law. Clerk to give additional bond.

SEC. 4. It shall be the duty of the board doing county business in said county, to allow their clerk any sum not exceeding one hundred dollars and the perquisites of the office, for the services required of him by the provisions of this act. County board to make allowance to clerk.

SEC. 5. It shall be the duty of the county auditor named in this act to deliver over all books and papers appertaining to said office to the clerk of the circuit court, so soon as a copy of this act is filed in the clerk's office of his county and the said clerk comply with the Auditor to deliver over books and papers.



requisitions of the third section of this act, and he is hereby required to receipt for the same.

Repeal as to  
Blackford coun-  
ty.

SEC. 6. This act shall take effect and be in force from and after its passage; and all acts and parts of acts contravening the provisions of this act are hereby repealed, so far as relates to Blackford county; and it is made the duty of the Secretary of State to forward a certified copy of this act to the clerk named in the first section of this act.

## CHAPTER LXXXVI.

*An Act in relation to the fees of Recorder and Auditor in the county of Wabash.*

[APPROVED JANUARY 13, 1845.]

Recorder to de-  
mand fees before  
recording deeds,  
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be lawful for the recorder of the county of Wabash to demand his usual fees before he shall be compelled to make record of any deeds, patents, mortgages, or other instruments of writing required by law to be recorded in the books of the several recorders' offices of this State.

Fees to auditor  
for transfers  
abolished.

SEC. 2. The fee now allowed by law to the auditor of said county, for transfers made of the sale of real estate in the books of his office, be and the same is hereby wholly abolished.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER LXXXVII.

*An Act providing for a special term of the Shelby Circuit Court.*

[APPROVED DECEMBER 21, 1844.]

Special session.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the circuit court of the county of Shelby, be, and they are hereby autho-

rized and directed to hold a special term of the said court, at the court house in Shelbyville, in the county aforesaid, on the first Monday in January, in the year of our Lord one thousand eight hundred and forty-five, for the purpose of trying all persons confined in the jail of said county, on the day of the commencement of said special term, for offences against any of the criminal laws of this State: *Provided however*, That no civil causes shall be tried at said special term.

SEC. 2. The board of commissioners of the county aforesaid, shall, on the Tuesday next preceding the first day of said special term, (for which purpose a special session of said board is hereby directed and allowed,) select grand and petit jurors; and the clerk of the circuit court of the county aforesaid, shall issue a venire for, and the sheriff shall summon, as in other cases, the grand and petit jurors so selected.

County board to  
select grand and  
petit jurors.

Clerk to issue  
venire for jury.

SEC. 3. This act shall take effect and be in force from the time of the filing of a certified copy thereof in the office of the clerk of the court aforesaid, and it is hereby made the duty of the Secretary of State, to transmit to said clerk a copy of this act, duly authenticated under the seal of State.

## CHAPTER LXXXVIII.

*An Act to authorize a special term of the Henry Circuit Court.*

[APPROVED JANUARY 1, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president judge of the eleventh judicial circuit of the State of Indiana, together with the associate judges of the county of Henry, are hereby authorized to hold a special session of the Henry circuit court, commencing on the third Monday of January, eighteen hundred and forty-five, and to continue from day to day as the business herein required to be performed shall require, for the purpose of trying, or otherwise disposing of the case of Philip Moore, now confined in the common jail of said county, on a charge of murder.

SEC. 2. If, from any cause, the president judge of the aforesaid eleventh judicial circuit, cannot attend and pre-

Special session  
Disinterested  
Judge of other



circuit may pre-  
side.

Clerk to issue  
venire to jury.

Subpœnas for  
witnesses.

Continuances on  
cause shown.

To try all per-  
sons in jail.

side at said special session, it may be lawful for any other disinterested president judge of this State to pre- side.

SEC. 3. It shall be the duty of the clerk of the Henry circuit court, on being informed of the passage of this act, immediately to issue a *venire facias* requiring the sheriff of said county to empanel the regular panel of traverse jurors selected for the spring term, eighteen hundred and forty-five, and on failure of any such jurors to attend, the sheriff may supply their places from the bystanders.

SEC. 4. It shall further be the duty of the clerk aforesaid, on being informed of the passage of this act, to issue subpœnas for the attendance of all the witnesses in said case, on the first day of the said special term.

SEC. 5. Said court, when convened, shall have full power to grant continuances on proper cause shown by either party, as in all other cases at a regular term.

SEC. 6. The said court so convened, shall have full power to try all other persons who may, on the said first Monday of January, be confined in the jail of said county: *Provided*, Said criminals may express their readiness and willingness for trial.

SEC. 7. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy hereof immediately to the clerk of the Henry circuit court.

## CHAPTER LXXXIX.

*An Act providing for holding a special term of the Cass Circuit Court.*

[APPROVED DECEMBER 12, 1844.]

Special session.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a special term of the Cass circuit court shall be held on the third Wednesday in December, A. D. 1844, for the trial of all persons now confined in the jail of said county, or who may be committed to said jail previous to the adjournment of said court.

SEC. 2. Said court may adjourn from day to day, as long as the business may require. May adjourn from day to day.

SEC. 3. Said term of court shall be to all intents and purposes a regular term of the Cass circuit court, except as to the trial of civil causes and criminal causes now on the docket of said court. A regular term, with certain exceptions.

SEC. 4. The said court may, by the consent of parties, try any causes now pending in said court, and may in their discretion, without such consent, try any cause on the chancery docket, hear and determine all petitions for partition, dower or divorce, when the process has been served the length of time and in the manner required by law. May try causes by consent of parties, and chancery causes without such consent.

SEC. 5. It shall be the duty of the sheriff of said county, to summon a grand and petit jury from among the qualified citizens of said county, at such time as he may be directed by the court; and said jurors shall in all things be governed by the laws now in force. Sheriff to summon jury.

SEC. 6. This act shall be in force from and after its passage; and it shall be the duty of the Secretary of State forthwith to forward a certified copy of this act to the clerk of the Cass circuit court.

## CHAPTER XC.

*An Act to alter the times of holding the Circuit Courts in the county of Marion.*

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the circuit court of said county of Marion, shall commence on the second Monday in January of each year, and hold four weeks if the business thereof require it; and on the third Monday of July of each year, with the power of adjourning over from the Saturday preceding the August election, until the Wednesday next following, and to hold its session four weeks, (except the two days which may be lost by adjournment as aforesaid,) if the business of said court require it. Time of sessions.

SEC. 2. That all acts coming within the purview of this act, be, and the same are hereby repealed. Repeal.

SEC. 3. This act to take effect from and after its passage.



## CHAPTER XCI.

*An Act to provide for a special session of the Whitley Circuit Court.*

[APPROVED DECEMBER 26, 1844.]

Special session.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the circuit court of the county of Whitley, be, and they are hereby authorized and directed to hold a special session of said court, to commence on the second Monday in January, eighteen hundred and forty-five, and to continue as long as the business herein provided to be performed shall require it, for the purpose of trying or otherwise disposing of their cases, any and all persons who may, on said second Monday in January, be confined in the jail of said county, on any criminal charge.

## CHAPTER XCII.

*An Act to grant New Trials in certain cases therein named.*

[APPROVED JANUARY 13, 1845.]

WHEREAS, At the September term of the Owen circuit court, in the State of Indiana, in the year 1841, the branch of the State Bank of Indiana at Terre Haute recovered a judgment for the sum of fifteen hundred dollars principal, with damages and costs, in said court, against one John Young and his endorsers, Samuel Scott, Levi Beem, Isaac Westfall, and Basil Champer, yet in force and unsatisfied, and also another judgment in said court at the same term of said year for the sum of thirty-five hundred dollars principal, and the damages and costs thereon, which judgment is yet in full force and unsatisfied against said John Young, Isaac Westfall, Samuel Scott, Joseph G. Stephenson, James Galletely, George Dingnan, and James Young, and that afterwards, for the same last liability, one John Johnson being also an endorser, but at the time aforesaid being absent from said State of Indiana,

the said bank sued out their writ of attachment against him for the same liability and recovered a judgment against him for the same amount last mentioned: AND WHEREAS, The said endorsers had supposed the notes cancelled, being informed by said Young that the bank refused to discount them: AND WHEREAS, At the trial on said notes in said court they were unable to prove the forgery existing in the premises, and were not apprised until very recently of the facts; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judgment in said cases in said Owen circuit court be and they are hereby set aside, and that new trials be granted therein in each case, and that said court be in said cases governed as in other cases at law.

SEC. 2. This act to be in force and take effect from and after its passage.

## CHAPTER XCIII.

*An act fixing the times of holding Probate Courts in the county of Greene.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court in the county of Greene shall hereafter be holden as follows, to-wit: On the first Monday of August, of November, of February, and of May of each year, and shall hold their sessions at each term six days, if the business thereof shall so long require it.

SEC. 2. All writs and notices that may have been issued or served before the taking effect of this act, in relation to any matter pending or to be pending in said probate court, are hereby made returnable to the first day of the next term of said court as fixed by this act; and all suits, recognizances, motions, rules, and all other proceedings, which at the time of the taking effect of this act shall be pending in or returnable to said probate court, shall be acted upon therein in the same manner as if this act had been in force at the time they were first commenced, taken, or instituted.



SEC. 3. This act shall take effect and be in force from and after its passage; and the Secretary of State shall immediately forward a copy hereof to the clerk of the probate court.

## CHAPTER XCIV.

*An Act to change the time of holding Probate Courts in the county of Daviess.*

[APPROVED DECEMBER 26, 1844.]

Time of holding. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court in the county of Daviess shall hereafter be holden on the first Mondays of March, June, September, and December, instead of the second Mondays of February, May, August, and November, as provided by section forty, chapter thirty-nine, Revised Statutes, 1843, and shall sit six days if the business shall require it.

SEC. 2. This act to be in force from and after its passage, and the Secretary of State shall forthwith forward a copy of this act to the clerk of the circuit court of said county.

## CHAPTER XCV.

*An Act to change the time of holding the Probate Courts in the county of Martin.*

[APPROVED JANUARY 13, 1845.]

Time of holding. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts of the county of Martin shall be holden on the fourth Mondays in January, April, August, and October, and may sit six days at each term thereof, if the business shall require it.

SEC. 2. This act to take effect and be in force from and after the first day of March next; and the Secretary of State is hereby directed to forward a certified copy of this act to the clerk's office of said county.

## CHAPTER XCVI.

*An Act to change the time of holding Probate Courts in the county of Ripley.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the May and November terms of the probate courts, in Ripley county, shall hereafter commence on the first Mondays of each month above mentioned. Time of holding.

SEC. 2. That all matters that are now, or that may hereafter be, pending in said court shall be conducted in all respects in conformity to the provisions of the first section of this act. Matters pending to be conducted in conformity to this act.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER XCVII.

*An Act to legalize certain proceedings in the Probate Court of Carroll county.*

[APPROVED JANUARY 13, 1845.]

WHEREAS, Zadock Ragan, who was a resident of Cass county, departed this life in said county, leaving a last will and testament, in which Benjamin J. Ragan was made executor of said last will and testament, to whom letters testamentary were afterwards issued from the probate court of Carroll county, in which court said last will and testament was proven and admitted to record, and who was afterwards qualified according to law as such executor, in said probate court of Carroll county, and proceeded under the orders and directions of said court, to settle up said estate in said court: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all of the acts and proceedings of the said Benjamin J. Ragan as executor of said last will and testament, and all sales whatever of real and personal property, and all conveyances of real estate, be, Acts and proceedings of B. J. Ragan legalized.



and they are hereby legalized and made valid and effectual in every respect: *Provided*, That this act shall not be so construed as to legalize any error or illegality in the proceedings of said executor, except such as exist, or may exist, on account of the proof and admission to record of said last will and testament, and the issuing of letters testamentary, and the qualifying of said executor, and the transacting said business in a different county from the one in which said testator died.

Executor authorized to proceed with settlement of estate.

SEC. 2. That the said executor, Benjamin J. Ragan, be, and he is hereby authorized to proceed with the settlement of said estate, before the said probate court of Carroll county; and all sales and conveyances, and every other act whatever that may be done by him as such executor, in relation to said estate, shall be as binding and valid in every respect as if the same had been done before the probate court of Cass county.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER XCVIII.

*An Act to restrict the Grand Jury in Franklin county to a limited time in their sessions.*

[APPROVED JANUARY 13, 1845.]

Not to remain in session more than four days.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at each session of the circuit court, the grand jury in Franklin county shall not remain in session more than four days, except in cases herein provided.

Duty of prosecutor.

SEC. 2. It shall be the duty of the prosecuting attorney to inform the court, whether there are any cases before said jury of such a nature as would amount, in criminal cases, to death or imprisonment in the State prison.

Continue jury from day to day.

SEC. 3. That when the court are made sensible that such cases are before the jury, the court may continue the jury from day to day, to determine such cases.

Repeal.

SEC. 4. That all laws and parts of laws giving the right to grand jurors to continue in session longer than is provided for in this act are hereby repealed.

SEC. 5. This act to be in force from and after its passage.

## CHAPTER XCIX.

*An act in relation to Petit Jurors in the county of Porter.*

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the fiftieth chapter of the Revised Statutes are hereby extended to the county of Porter. Provisions of 50th chapter of Revised Statutes extended to Porter county.

SEC. 2. All acts and parts of acts conflicting with the provisions of said chapter are hereby repealed, so far as the county of Porter is concerned. Repeal.

## CHAPTER C.

*An Act fixing the time of holding the terms of the Probate Court in Marion county, and for other purposes.*

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of the probate court of the county of Marion, shall hereafter be holden at the times following, to-wit: On the second Mondays of February, April, June, August, October, and December in each year, and shall sit six days at each term if the business thereof require it: *Provided, however*, When the time hereby fixed for holding the terms of the probate court falls within the time fixed for holding the circuit court of said county, then the time for holding the probate court shall be accelerated to the Monday but one previous to the commencement of the circuit court. The August term of the probate court of Marion county shall commence on the Monday first succeeding the termination of the July term of the circuit court of said county. Times of holding.

SEC. 2. That whenever it shall be necessary by law to give notice in any suit or matter whatever, pending in said probate court, and a sufficient time will not be allowed between the terms thereof, then, and in that case, such court may fix the time for the appearance of the person or persons so notified, at any day of the second term of said court, after the granting of such Proviso. Court to fix the term of appearance at second time in certain cases.



order of publication, that said court shall deem proper; and that the notice thus given, shall have as full force and effect in law as if the same had required the party notified to appear at the first term of said court, after the ordering of the publication as aforesaid.

Process when returnable.

SEC. 3. That all process issued or to be issued in any matters pending or hereafter to be pending in said court, shall be returnable at the times hereby fixed for the holding of the terms of said court, and all officers and persons concerned, are hereby required to take notice of the same accordingly.

Probate court may be held in clerk's office.

SEC. 4. That if the judge of said court shall deem it expedient, any or all of the terms of said probate court, may be holden in the clerk's office of the said county of Marion, and that the fuel used in said office be paid for by the county.

When to take effect.

SEC. 5. That this act take effect and be in force from and after a certified copy thereof be filed in the office of the clerk of said court; and it is hereby made the duty of the Secretary of State to make out and forward to such clerk such copy, without delay; and it is hereby made the duty of such clerk, at as early a day as possible after receiving such copy, to give notice of the times hereby fixed for the holding of the terms of said court, in the State Journal and Sentinel.

## CHAPTER CI.

*An Act to repeal an act entitled "an act to change the mode of selecting Petit Jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841, so far as it relates to Jackson county.*

[APPROVED JANUARY 13, 1845.]

Act repealed in Jackson and Bartholomew.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29, 1841, and "an act amendatory thereof, approved February 8, 1843," be, and the same are hereby repealed, so far as relates to the counties of Jackson and Bartholomew.

Mode of selecting to be under Rev. Statutes.

SEC. 2. That from and after the taking effect of this act, the mode of selecting petit jurors in said counties,

shall be governed in all respects by the provisions of the Revised Statutes of eighteen hundred and forty-three.

SEC. 3. This act to take effect and be in force from and after the first day of April, eighteen hundred and forty-five.

## CHAPTER CII.

*An Act to extend the term of February, A. D. 1845, of the Miami Probate Court.*

[APPROVED JANUARY 10, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the term of the Miami probate court of February, A. D. 1845, shall be and continue two weeks, if the business so long require it. Term to continue two weeks.

SEC. 2. This act shall be in force from and after its passage.

## CHAPTER CIII.

*An Act to extend the times of holding Probate Courts in the counties of Washington, Ripley, and Jefferson.*

[APPROVED DECEMBER 26, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts of the counties of Washington, Ripley, and Jefferson, may sit twelve days at their May and November terms, if the business require it. May sit twelve days at May and November terms.

SEC. 2. That the judges of the said probate courts be, and they are hereby authorized to take acknowledgments of deeds and other instruments of writing, and that they have the same power to try writs of *habeas corpus* that is granted to judges of the circuit court. Judges authorized to take acknowledgments of deeds, &c.

SEC. 3. This act to be in force from and after its passage.



## CHAPTER CIV.

*An Act to legalize the selecting, drawing, &c., of the Grand and Petit Jurors for the county of Daviess.*

[APPROVED JANUARY 13, 1845.]

WHEREAS, It is represented to the General Assembly, that the grand and petit jurors selected by the board of county commissioners of Daviess county, for the current year, were not selected and drawn in strict conformity to the existing law in such cases made and provided; to remedy which,

Selecting, drawing, &c. legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the selecting, drawing, empannelling, and summoning of the said jurors, be and the same is hereby made legal and valid to all intents and purposes, as though the said jurors had been legally selected and drawn *ab initio*.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CV.

*An Act regulating the jurisdiction of Justices of the Peace in Lake and Porter counties.*

[APPROVED JANUARY 13, 1845.]

Governed by provisions of 24th section of act of 1838, in civil cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the jurisdiction of justices of the peace in the counties of Lake and Porter, in all civil cases, shall in all respects be governed by the provisions of the twenty-fourth section of an act regulating the jurisdiction and duties of Justices of the peace, approved February seventeenth, 1838, and nothing in the Revised Code of 1843, shall be so construed as to affect the jurisdiction of justices of the peace in the counties above named.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CVI.

*An Act to change the time of holding Probate Courts in Dearborn county.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding probate courts in Dearborn county be so changed that hereafter the terms of said courts shall commence on the first Mondays in the months of April, July, October, and January, and shall continue in session twelve days at each term, if the business shall require it.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CVII.

*An Act to extend the time of holding the Probate Court of Montgomery county.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding said court shall be extended to two weeks: *Provided*, The business should require it.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CVIII.

*An Act for the extension of the time of holding the Probate Courts in the county of Allen, and for other purposes.*

[APPROVED JANUARY 13, 1845.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of the county of Allen shall be allowed to sit two weeks, if the business shall require it.



Additional compensation to judge.

SEC. 2. The judge of said court shall be allowed, in addition to his present allowance, one dollar per day, to be paid out of the county treasury.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CIX.

*An Act to revive part of an act therein named, in the county of Ripley.*

[APPROVED JANUARY 8, 1845.]

Part of 24th section of justices' act of 1838 revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the twenty-fourth section of an act regulating the jurisdiction of justices of the peace, approved February seventeenth, 1838, as gives to justices of the peace jurisdiction over cases where the defendant is not a resident of the township, be, and the same is hereby revived in the county of Ripley.

SEC. 2. This act shall be in force from and after its publication.

## CHAPTER CX.

*An Act for summoning Grand and Petit Jurors in the counties of Madison and Hancock, and fixing their fees.*

[APPROVED JANUARY 10, 1845.]

Fifteen persons only to be drawn and summoned.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter there shall be drawn by the board doing county business, and summoned, only fifteen persons to serve as such grand jurors at each term of the circuit court of the counties of Madison and Hancock.

Compensation.

SEC. 2. Each of the grand jurors, who shall serve as such as aforesaid, shall be allowed the sum of one dollar per day, to be paid out of the county treasury of said counties.

SEC. 3. At each term of said courts hereafter to be holden, in each case to be tried by a jury, it shall be the duty of the sheriffs of said counties, or other officers under the direction of the courts, to select from among the citizens, householders or freeholders of said counties, twelve jurors to try such case, who shall be subject to the same obligations, and in all things governed in the same manner, as petit jurors are now subject to and governed, any law to the contrary notwithstanding.

Sheriff to select petit jurors.



## JOINT RESOLUTIONS

PASSED AT THE TWENTY-NINTH SESSION OF THE GENERAL  
ASSEMBLY OF THE STATE OF INDIANA.

### CHAPTER I.

*A Joint Resolution on the subject of the Wabash and Erie Canal.*

[APPROVED JANUARY 13, 1845.]

*Be it resolved by the General Assembly of the State of Indiana,* That the superintendent of the Wabash and Erie canal is hereby directed and required to dismiss, within ten days after the passage of this joint resolution, all officers, agents, and others, now in the employ of the State, and denominated the State force, on said canal. That the said superintendent is hereby directed and required, after having given thirty days' public notice of the time and place, to re-let the unfinished portion of the work on the first division of the said canal west of Lafayette: *Provided,* That such re-letting shall not exceed in amount twenty per centum above the original estimates on said canal, for the different species of work yet to be done.

Superintendent  
to dismiss  
officers, &c.

After thirty days  
notice to re-let  
portions of  
canal, &c.

*And, be it further resolved,* That should any of the present contractors, on said canal west of Lafayette, hereafter relinquish their contracts, it is hereby made the duty of said superintendent, upon being notified of the fact, to re-let any such relinquished contract, after having given thirty days' public notice of the time and place of such re-letting: *Provided,* That such re-letting shall not exceed an amount twenty per centum above the original estimates on said canal, for the different species of work yet to be done.

Contracts relin-  
quished west of  
Tippecanoe, to  
be re-let.

This joint resolution to be in force from and after its passage.



## CHAPTER II.

*A Joint Resolution on the subject of Repudiating State Debts.*

[APPROVED JANUARY 13, 1845.]

*Be it resolved by the General Assembly of the State of Indiana,* That we regard the slightest breach of plighted faith, public or private, as an evidence of a want of that moral principle upon which all obligations depend: that when any State in this Union, shall refuse to recognize her great seal as the sufficient evidence of her obligation she will have forfeited her station in the sisterhood of States, and will no longer be worthy of their confidence and respect.

*Be it further resolved,* That His Excellency, the Governor, be requested to transmit copies of this joint resolution to the Governor of each of the several States, with a request that he will cause the same to be laid before the Legislature thereof.

## CHAPTER III.

*A Joint Resolution reviving in part a certain act therein named.*

[APPROVED DECEMBER 24, 1844.]

WHEREAS, The act providing for going into the election of a Senator of the United States, was omitted in the Revised Statutes of 1843: AND WHEREAS, It is necessary that an act upon that subject should be passed before the two Houses of the General Assembly can rightfully proceed to the election of that officer: therefore,

So much of the act of 1831 as relates to election of United States Senator revived.

*Be it resolved by the General Assembly of the State of Indiana,* That so much of an act entitled, "An act for the formation of congressional districts and for the election of Senators and Representatives in Congress," approved January seventh, 1831, as relates to the election of Senators in Congress, be, and the same is hereby revived and declared to be in full force.

OFFICE OF SECRETARY OF STATE,  
Indianapolis, March 13, 1845. }

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus] inserted to aid the sense, or to supply omissions in enrolling.

JOHN H. THOMPSON,  
Secretary of State.



## EXTRACT

*From the Report of the Auditor of Public Accounts showing "The receipts and expenditures of the public money" for the year 1844.*

### GENERAL REVENUE.

The amount of revenue remaining in the Treasury on the first day of November, 1843, provided all warrants audited prior to that date were paid, was	\$370,145 94
The amount received on account of revenue of 1844,	391,78
The amount collected and paid in on account of the assessment on property and polls for 1843,	208,015 86
The amount paid by the State Bank on account of tax for 1843,	4,182 84
The amount paid by the State Bank on account of tax for 1841,	3,291 55
The amount paid by the State Bank on account of tax for 1842,	218 31
From arrears of revenue for 1842,	25,071 09
From arrears of revenue for 1841,	7,362 41
From arrears of revenue for 1840,	51 57
From arrears of revenue for 1839,	332 64
From arrears of revenue for 1837,	2 82
From arrears of revenue for 1832,	20
From sales of Indianapolis lots, (principal,)	126 14
From sales of Indianapolis lots, (interest,)	8 19
Amount of loan from the State Bank under the act of January 15, 1844,	56,000 00
Amount paid by Administrators of estates without known heirs,	189 66
Loans of Bank Tax Fund refunded,	490 00
Interest received on account of loans of Bank Tax Fund,	584 81
Amount received on account of costs of advertising sales of lands mortgaged to Bank Tax Fund,	3 50



Amount of Bank Tax Fund received from the State Bank under 15th section of Bank charter, - -	2,600 00
Amount of dividend on Bank Tax Fund invested in bank stock, (Evansville branch,) - - -	19 80
Amount of Congressional Township Fund in the Treasury at the date of the transfer of the books of that fund to the Auditor's Office, (Jan. 1st, 1844,) -	71 35
Loans of Congressional Township Fund refunded, -	90 44
Interest received on account of loans of Congressional Township Fund, - - - -	32 56
Loans of Treasury Fund refunded, - - - -	690 00
Interest received on account of loans of Treasury Fund, - - - -	67 45
Amount of three per cent. fund in the Treasury at the date of the transfer of the books of that fund to the Auditor's Office, (January 1st, 1844,) -	8,819 09
Amount received on account of sales of Michigan road lands, - - - -	149 62
Amount received on account of sales of Dillon's History of Indiana, - - - -	12 00
Amount received on account of sales of Revised Statutes of 1843, - - - -	226 09
Amount paid on account of incidental receipts, -	28 37
Amount received from Commissioner of University Township in Monroe, - - - -	2,701 96
Amount received from Commissioner of University Township in Gibson, - - - -	300 16
Amount received from Commissioners of Saline lands in Washington and Orange, as principal, - -	1,584 35
Amount received from Commissioners of Saline lands in Washington and Orange, as interest, - -	727 19
Loans of University Fund refunded, - - - -	3,068 13
Interest received on account of loans of University Fund, - - - -	3,180 24
Amount received on account of costs of advertising sales of lands mortgaged to University Fund, -	22 75
Loans of Saline Funds refunded, - - - -	2,583 78
Interest received on account of loans of Saline Fund, - - - -	2,079 18
Amount received on account of costs of advertising sales of lands mortgaged to Saline Fund, - -	10 50
Amount of Surplus Revenue Fund in the Treasury at the date of the transfer of the books of that fund to Auditor's Office, (January 1st, 1844,) - -	138 35
Interest received on account of loans of Surplus Revenue Fund, - - - -	282 25
Amount received on account of costs of advertising sales of land mortgaged to Surplus Revenue Fund, -	23 38

Amount of Bank Tax Fund in the Treasury at the date of the transfer of the books of that fund to the Auditor's Office, (January 1st, 1844,) - -	946 25
Amount received on account of Common School Fund derived from bank dividends, - - - -	77,062 51
Amount received on account of damages on sales of lands mortgaged to University Fund, - - -	83 25
Amount received on account of premium on eastern drafts, (being 2 per cent. deducted from warrants paid at the Treasury,) - - - -	635 33
Total receipts from General Revenue, - - -	<u>784,705 64</u>

#### RECEIPTS ON ACCOUNT OF INTERNAL IMPROVEMENT FUND.

Amount received on account of sales of Wabash and Erie canal lands east of Tippecanoe, (interest,) -	95 04
Amount received on account of sales of Wabash and Erie canal lands west of Tippecanoe, - - -	141,070 87
Amount received on account of tolls and water rents on Wabash and Erie canal east of Tippecanoe, -	31,754 86
Amount received of water rents on northern division of Central canal, - - - -	688 17
Amount received from tolls on the Madison and Indianapolis Railroad, - - - -	689 16
Amount received on account of tolls on New Albany and Vincennes Turnpike, - - - -	5,951 23
Amount received on account of tolls on White Water Canal, - - - -	5 00
Amount received on account of Lawrenceburgh and Indianapolis Railroad Company, - - - -	102,529 99
Amount of scrip issued on account of Wabash and Erie canal east of Tippecanoe, - - - -	95,000 00
Amount of scrip issued on account of Wabash and Erie canal west of Tippecanoe, - - - -	170,000 00
Amount received on account of State bonds, - - -	4,161 25
Amount received on account of compromise property, -	69,231 36
Amount paid on account of incidental receipts of Fund Commissioner, - - - -	908 01
Amount received from sales of Bank stock derived from 4th instalment of Surplus Revenue, - -	437,450 00
Total receipts on account of Internal Improvement, -	1,059,534 94
Add receipts from General Revenue, - - - -	784,705 64
Total receipts from Nov. 1st, 1843, to Oct. 31st, 1844, both days included, - - - -	<u>\$1,844,240 58</u>



## GENERAL DISBURSEMENTS.

Amount audited on account of salaries of Executive Officers, - - - - -	3,102 04
Amount audited on account of salaries of Supreme and Circuit Judges and Sheriff of Supreme Court, - - - - -	17,883 40
Amount audited on account of salaries of Prosecuting Attorneys, - - - - -	1,693 40
Amount audited on account of salaries of Adjutant and Quarter Master Generals, - - - - -	227 12
Amount audited on account of public printing and distributing laws, - - - - -	15,834 13
Amount audited on account of stationery and fuel for Legislature and public officers, - - - - -	12,959 15
Amount audited on account of Legislature, - - - - -	25,112 62
Amount audited on account of Probate Judges, - - - - -	4,004 00
Amount audited on account of specific appropriations, - - - - -	7,279 38
Amount audited on account of State Library, - - - - -	382 56
Amount audited on account of State House, - - - - -	1,447 89
Amount audited on account of State Prison, (conveying convicts,) - - - - -	1,417 88
Amount audited on account of new State Prison, - - - - -	3,500 00
Amount audited on account of revenue of 1839, refunded, - - - - -	50
Amount audited on account of revenue of 1840, refunded, - - - - -	127 81
Amount audited on account of revenue of 1841, refunded, - - - - -	278 43
Amount audited on account of revenue of 1842, refunded, - - - - -	818 65
Amount audited on account of revenue of 1843, refunded, - - - - -	78 79
Amount audited on account of revenue of 1844, refunded, - - - - -	32 73
Amount audited on account of three per cent. fund, - - - - -	289 68
Amount audited on account of salaries of professors in State University, - - - - -	4,462 50
Amount audited on account of loans made to University Fund, - - - - -	1,085 00
Amount audited on account of loans made of Saline Fund, - - - - -	8,359 93
Amount audited on account of loans made of Bank Tax Fund, - - - - -	2,765 00
Amount audited on account of costs of advertising sales of land mortgaged to University Fund, - - - - -	34 50
Amount audited on account of costs of advertising sales of land mortgaged to Saline Fund, - - - - -	13 50

Amount audited on account of costs of advertising sales of land mortgaged to Bank Tax Fund, - - - - -	5 25
Amount audited on account of costs of advertising sales of land mortgaged to surplus revenue fund, - - - - -	5 25
Amount audited on account of costs of advertising sales of lands mortgaged to Congressional Township Fund, - - - - -	75
Lands mortgaged to University Fund unsold for want of bidders, (charged on the books before their transfer to the Auditor's Office,) - - - - -	1,473 60
Lands mortgaged to Saline Fund unsold for want of bidders, (charged as preceding item,) - - - - -	457 69
Amount audited on account of damages on sales of lands mortgaged to University Fund, - - - - -	435 05
Amount audited on account of damages on sales of lands mortgaged to Saline Fund, - - - - -	58 75
Amount audited on account of Deaf and Dumb Asylum - - - - -	1,168 75
Amount audited on account of hypothecation of treasury notes for bank loan under act of January 15, 1844, - - - - -	67,868 74
Amount audited on account of interest paid in advance on bank loan, - - - - -	6,720 00
Amount audited on account of exchange on loan from the Michigan City Branch, - - - - -	690 00
Amount audited on account of wolf scalps, - - - - -	2 00
Amount audited on account of Governor's House, - - - - -	638 62
Amount audited on account of contingent fund, - - - - -	1,386 54
Amount audited on account of expenses of State University, - - - - -	339 10
Amount audited on account of expenses of Saline Fund, - - - - -	338 72
Amount audited on account of Surplus Revenue interest, (paid to Lake county,) - - - - -	75 00
Amount audited on account of proceeds of Revised Statutes of 1843, refunded, - - - - -	35 00
Amount audited on account of Michigan Road, - - - - -	116 66

Total disbursements on account of general objects of expenditure, - - - - - \$195,056 06

## DISBURSEMENTS ON ACCOUNT OF INTERNAL IMPROVEMENT FUND.

Amount audited on account of construction of Wabash and Erie canal west of Tippecanoe, - - - - -	215,950 03
Amount audited on account of repairs on Wabash and Erie canal west of Tippecanoe, - - - - -	9,450 00
Amount audited on account of incidental expenses of Wabash and Erie canal west of Tippecanoe, - - - - -	7,399 68



Amount audited on account of incidental expenses of Wabash and Erie canal east of Tippecanoe, -	2,378 73
Amount audited on account of construction of New Albany and Vincennes Road, - - - -	1,599 96
Amount audited on account of repairs on New Albany and Vincennes Road, - - - -	4,012 81
Amount audited on account of incidental expenses of New Albany and Vincennes Road, - - - -	338 46
Amount audited on account of incidental expenses of Cross Cut Canal, - - - -	101 50
Amount audited on account of construction of northern division of Central Canal, - - - -	25 00
Amount audited on account of repairs on northern division of Central canal, - - - -	156 32
Amount audited on account of incidental expenses of northern division of Central canal, - - - -	323 40
Amount audited on account of incidental expenses of Lafayette and Indianapolis road, - - - -	1 20
Amount audited on account of contingencies applicable to the whole system of internal improvement, -	19 75
Amount audited on account of five per cent. bank scrip redeemed and cancelled, - - - -	91,990 00
Amount audited on account of interest on five per cent. bank scrip redeemed, - - - -	3,823 52
Amount audited on account of Wabash and Erie canal scrip east of Tippecanoe, redeemed and cancelled, - - - -	44,017 76
Amount audited on account of Wabash and Erie canal scrip east of Tippecanoe, redeemed, - -	3,887 82
Amount audited on account of Wabash and Erie canal scrip west of Tippecanoe, redeemed and cancelled, - - - -	135,275 00
Amount audited on account of Treasury notes, redeemed and cancelled, - - - -	200,525 00
Amount audited on account of interest on Treasury notes, redeemed, - - - -	28,358 00
Amount audited on account of State bonds, redeemed and cancelled, - - - -	262,079 55
Amount audited on account of interest on State bonds, redeemed and cancelled, - - - -	4,903 53
Amount audited on account of State bonds, redeemed by State Agent, - - - -	47,000 00
Amount audited on account of incidental expenses of Madison and Indianapolis Railroad, - - - -	266 12
Amount audited on account of incidental expenses of State Agent, - - - -	4,436 87
Amount audited on account of Jersey City property, -	600 00

Amount audited on account of incidental expenses of Lawrenceburgh and Indianapolis Railroad, -	35 81
Amount audited on account of bonds of the Lawrenceburgh and Indianapolis Railroad Company, redeemed and cancelled, - - - -	182,975 00
Amount audited on account of incidental expenses of Treasury notes, - - - -	256 68
Amount audited on account of compromise property, -	300 89
Amount audited on account of Morris Canal and Banking Company, - - - -	100 00
Amount audited on account of bank of Western New York, (taxes on Georgia lands,) - - - -	1,012 85
Amount audited on account of payments by State Agent under joint resolutions, - - - -	23,683 77
Amount* audited on account of interest on Wabash and Erie canal lands, refunded, - - - -	44 07
Amount audited on account of Wabash and Erie canal scrip east of Tippecanoe, refunded, - -	100 00
Total disbursements on account of Internal Improvement, - - - -	\$1,277,438 08
Add general disbursements as above, - - - -	195,056 06
Total amount audited from the 1st day of November, 1843, to 31st day of October, 1844, both days included, - - - -	1,472,494 14
Total receipts as above, - - - -	1,844,240 58
Total expenditures as above, - - - -	1,472,494 14
Balance in the Treasury on the first day of November, 1844, provided all warrants audited prior to that date were paid, - - - -	371,746 44
From an examination of the registers of warrants at the Treasurer's Office, it appears that there are now outstanding regular treasury warrants to the amount of - - - -	3,581 50
Internal Improvement warrants outstanding, (same as reported last year,) - - - -	94,341 96
Total, - - - -	97,923 46
Add excess of receipts as above, - - - -	371,746 44
True amount in the Treasury at the close of the fiscal year, ending October 31st, 1844, - - - -	\$469,669 90

The balance in the Treasury consists principally of treasury notes, paid in as revenue for 1843, and Wabash and Erie Canal land scrip, east and west of Tippecanoe, issued for the construction of that canal, and received for tolls, water-rents and sales of lands.



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